

By Mr. BLACKMON: A bill (H. R. 11900) granting an increase of pension to Jesse Halcome; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 11901) granting an increase of pension to James S. Combs; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 11902) granting a pension to Jesse Stewart; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 11903) granting an increase of pension to Christopher Denmark; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 11904) granting an increase of pension to Gustave Bentz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11905) granting an increase of pension to Larkin Kennedy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11906) granting an increase of pension to Charles F. McPherson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11907) granting an increase of pension to William S. Huntington; to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 11908) granting an increase of pension to Sylvester Peters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11909) granting an increase of pension to Arthur C. Gregg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11910) granting an increase of pension to Charles T. Wolfe; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 11911) for the relief of George W. Bard; to the Committee on Military Affairs.

Also, a bill (H. R. 11912) for the relief of John H. Smith, alias Henry H. Smith; to the Committee on Military Affairs.

By Mr. FRENCH: A bill (H. R. 11913) granting a pension to May Schwartz; to the Committee on Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 11914) granting a pension to James B. Upchurch; to the Committee on Pensions.

By Mr. IRELAND: A bill (H. R. 11915) granting an increase of pension to Thomas J. Kindred; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 11916) granting a pension to D. A. Kooker; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 11917) granting an increase of pension to Allen Morris; to the Committee on Invalid Pensions.

By Mr. LEA of California: A bill (H. R. 11918) granting an increase of pension to Dallas Poston; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 11919) for the relief of Rebecca C. Pepper; to the Committee on the Public Lands.

Also, a bill (H. R. 11920) to carry into effect the findings of the Court of Claims in the case of Lemuel C. Canfield; to the Committee on War Claims.

By Mr. O'SHAUNESSY: A bill (H. R. 11921) to authorize the President to appoint Brig. Gen. James W. Scully, United States Army, retired, to the position and rank of a major general, United States Army, retired; to the Committee on Military Affairs.

Also, a bill (H. R. 11922) granting an increase of pension to Lewis Walker; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 11923) granting an increase of pension to Henry Hunsinger; to the Committee on Invalid Pensions.

By Mr. PARKER of New Jersey: A bill (H. R. 11924) granting a pension to Mary J. Jacobus; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 11925) for the relief of Thomas J. Gardner; to the Committee on Military Affairs.

By Mr. SHERLEY: A bill (H. R. 11926) granting an increase of pension to Joseph Elble; to the Committee on Invalid Pensions.

By Mr. SULLIVAN: A bill (H. R. 11927) granting an increase of pension to Alexander Conner; to the Committee on Invalid Pensions.

By Mr. VINSON: A bill (H. R. 11928) granting a pension to William F. Epps; to the Committee on Pensions.

By Mr. WALSH: A bill (H. R. 11929) granting an increase of pension to George E. Tracy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11930) granting a pension to Susan M. Wilcox; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CALDWELL: Memorial of Division No. 6, Ancient Order of Hibernians, of Queens County, Long Island, favoring

Senate resolution 818, relative to interests of the Irish people; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Petition of New York Typographical Union, No. 6, favoring passage of House bill 8702, relative to increase in pay of compositors in the Government Printing Office; to the Committee on Printing.

By Mr. ELSTON: Resolution passed by Woman's Service Association of San Francisco, Cal., favoring additional power for the Food Administration; to the Committee on Agriculture.

Also, petition of the Berkeley Woman's Christian Temperance Union, for the passage of a bill to prohibit the use of any kind of foodstuffs in the manufacture of vinous or malt liquors during the war and to release the grain and sugar now in the hands of the brewers; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Petition of Food Products' Club of Chicago, Ill., favoring universal military training; to the Committee on Military Affairs.

By Mr. HOLLINGSWORTH: Affidavits in support of House bill 11888, to increase the pension of Joshua D. Woodworth; to the Committee on Invalid Pensions.

By Mr. McKEOWN: Memorial of legislative board of Brotherhood of Locomotive Engineers, of Oklahoma, against the admission of German citizens to the United States or of German ships flying the German flag to the ports of the United States as long as the present ruling family of Germany control the German Empire; to the Committee on Immigration and Naturalization.

By Mr. MILLER of Minnesota: Memorial of local branch of the Slovenian Republican Alliance of the United States of America, pledging support to the President, etc.; to the Committee on Military Affairs.

By Mr. RAINEY: Memorial of Col. Daniel Moriarity Garrison 101, Army and Navy Union, Chicago, Ill., on Senate bill 3063; to the Committee on Naval Affairs.

By Mr. STEENERSON: Petition of citizens of Lake Park, Becker County, Minn., urging prohibition as a war measure; to the Committee on the Judiciary.

By Mr. TILSON: Petition of New Haven Trades Council, in favor of repeal of postal zone law; to the Committee on Ways and Means.

SENATE.

SATURDAY, May 4, 1918.

(Legislative day of Thursday, May 2, 1918.)

The Senate met at 11 o'clock a. m.

The VICE PRESIDENT resumed the chair.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names.

Ashurst	Johnson, Cal.	Page	Swanson
Bankhead	Jones, Wash.	Pomerene	Thomas
Calder	Kenyon	Saulsbury	Underwood
Chamberlain	King	Sheppard	Vardaman
Curtis	McKellar	Shields	Warren
Dillingham	McLean	Smith, Md.	
Gallinger	New	Smith, S. C.	
Hollis	Overman	Smoot	

The VICE PRESIDENT. Twenty-nine Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. MARTIN, Mr. NELSON, Mr. NORRIS, Mr. STERLING, Mr. THOMPSON, Mr. TRAMMELL, and Mr. WILLIAMS answered to their names when called.

Mr. GALLINGER, Mr. SHAFROTH, Mr. GERRY, Mr. COLT, Mr. SIMMONS, Mr. HARDWICK, Mr. GUION, Mr. FRANCE, Mr. LENROOT, Mr. McNARY, Mr. HARDING, Mr. SUTHERLAND, Mr. TILLMAN, Mr. FALL, Mr. WATSON, Mr. PITTMAN, Mr. HALE, Mr. RANDELL, and Mr. SHERMAN entered the Chamber and answered to their names.

Mr. SUTHERLAND. I wish to announce that my colleague [Mr. GOFF] is absent on account of illness.

Mr. PITTMAN. I wish to announce that my colleague [Mr. HENDERSON] is detained on official business of the Senate.

Mr. GERRY. I desire to announce that the Senator from Arkansas [Mr. ROBINSON] and the Senator from Illinois [Mr. LEWIS] are absent, taking part in the third liberty loan campaign. I desire also to state that the senior Senator from Kentucky [Mr. JAMES] is detained by illness.

Mr. SHEPPARD. I wish to announce that the Senator from Nebraska [Mr. HITCHCOCK], the junior Senator from Kentucky [Mr. BECKHAM], the Senator from Missouri [Mr. REED], and

the Senator from Arkansas [Mr. KIRBY] are detained on official business of the Senate.

Mr. JONES of Washington subsequently said: Mr. President, I desire to say that when the roll was called yesterday for a quorum, and also to-day, I overlooked making an announcement in behalf of the junior Senator from Michigan [Mr. TOWNSEND], who was necessarily away yesterday and to-day on account of sickness in his family. I overlooked the announcement because I was busy with committee work.

Mr. OVERMAN. I wish to state that I neglected to announce the absence of the Senator from Idaho [Mr. NUGENT] on account of sickness in his family.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum.

PERSONAL EXPLANATION.

Mr. SHERMAN. Mr. President, I rise to a question of personal privilege.

The VICE PRESIDENT. The Senator will state his question of personal privilege.

Mr. SHERMAN. It is in regard to certain publications concerning an alleged statement I am said to have made in an address on the bill providing for the reorganization of the executive departments of the Government, found in the issue of the CONGRESSIONAL RECORD of April 23, 1918, on page 5484.

Mr. President, I wish to say very briefly that this is the first time that I have ever risen to a question of personal privilege in now nearly 18 years of service in legislative bodies of various kinds, including five years as a Member of this body. As this is the first such occasion in my life it is likely the last. It is not because I am unduly solicitous on what the press says, for if I can not take care of myself with careless editors I shall make no complaint. They are subject to the usual imperfections of all erring mortal humanity; and it is not in addressing myself to that fraternity that I occupy the few moments here, Mr. President. It is out of consideration for the regard which I have for the Government of my country; it is out of that high regard which I have for the Members of the Senate, with whom I am serving the brief time that I shall be a Member in this Chamber.

Mr. President, on the occasion referred to, following the address made by the Senator from Washington [Mr. POINDEXTER] on the Mooney case in California, which many of the Senators here will remember, an address which I considered one of the most timely and powerful that I have heard made in any legislative body in this country, I used the language to which I shall call attention. There was no conference on our part; I never talked with the Senator from Washington at all on this subject previous to his address. His line of thought led him to make the address; and, without communication with him, I selected material on the matter which I had gathered and used it in the comments I made on the bill for the reorganization of the executive departments. So there was no understanding between us, because we had had no communication whatever on the subject; but our addresses proceeded along the line of collective material relating to the same ground. I used the following language in my address, referring to conditions in Russia:

The bourgeoisie constitutes the whole of the bourgeois, as a class. Against them Mr. Trotsky and his government level relentless warfare. He says they are the agents of tyranny; that they must be destroyed. He thinks more of the government referred to by the Senator from Washington [Mr. POINDEXTER] yesterday as "a hobo government," and properly so, with all due deference to the dignified and well-considered expressions we ought to use in the Senate. There is no other phrase that will so soon reach the consciousness of the American citizen as to call it by its right name. It is the most expressive phrase that could be employed. Mr. Trotsky and his governmental agents would embrace as a long-lost brother everyone connected with the hobo government in this country, but one connected with and founded on the self-supporting, God-fearing, industrial middle-class element of the country, who are neither millionaire nor pauper nor idler nor vagrant—for those, he has nothing but words of condemnation. It is the middle class, the bourgeoisie, as he defines it, against whom he levels his fulminations and directs his destructive agencies.

That was the connection in which the expression "hobo government" was used. It did not refer to the Government of the United States at all; but it has been used out of the context. Mr. President, of the paragraph I have quoted, and the statement has been made that I referred to this administration as "a hobo government." There was not a Senator who heard the comments that I made who obtained any such impression from what I said, or from anything that the Senator from Washington said, nor was it in our minds. I would no more use an expression of that kind as applied to the Government of the United States than I would be guilty of opposing the war.

I criticize some things that public officials do and certain public policies, as my Democratic brethren do at times; in fact, I have heard stronger criticisms from some of the majority Members of this Chamber than I have made myself, although

some may not think so; but in the ultimate analysis, taking the words and their natural effect and the inference to be drawn, the results of the criticisms of majority Senators are even more caustic than anything I have said. These criticisms of certain policies are intended to be and are of a constructive character; they are of the kind that suggest improvements; to the end that those who are in the field and the camp may be better prepared, sustained, and strengthened by the resources of this country. No criticisms are made with any other object; it was the object of the criticism made by the chairman of the Senate Committee on Military Affairs [Mr. CHAMBERLAIN], a very powerful appeal leading to most helpful results; but no one would question his loyalty. It is equal to that of any citizen of the United States or any other Member of this body. Nor would those who criticize other features and suggest improvements, such as the more rapid conduct of the manufacture and preparation of war material, be guilty of treason; nor could they be accused of invidious remarks concerning the Government. These are all constructive criticisms, and such are the criticisms made on this side of the Chamber, Mr. President.

I made the criticism that the President had about him certain men whose economic vagaries were too much like the Bolshevik element in Russia, and that he ought, in all conscience, to rid himself of some of them; that he was making a mistake in permitting them to be about where he could be charged with responsibility for their acts. That was my criticism. Other Senators have made criticisms along other lines. That was what I said and all that I said. I used no such expression referring to the Government of this country as claimed in certain press reports and editorials.

I do not care to advertise these newspapers and the conduct of the various editors who make these charges; running from one State to another, one repeats the charge after the other; but I wish to say that there is absolutely no truth in the statement. The editors may have been misled and some may prefer to have it so. I have read the paragraph in which the phrase occurs, and it relates entirely to the Industrial Workers of the World and similar organizations in this country; similar bodies of misguided men are engaged in inciting civil commotion in our country, very like the commotion and the overthrow of all the established rules that protect person and property in Russia. It was under those conditions and with reference to that particular element, against which even this bill which is pending now in the conference report is directed, and which it is intended in large part to suppress, and criticism of that same element, that this comment was made and this phrase was used. Under no conditions was any language of that character used as applying to the Government of the United States. I would be as far from saying that as I would be from an act of overt treason, and I do not think any Senator here would think for an instant that the phrase was used by me with reference to the Government of the United States. It was applied to this quasi-mob government that is attempted to be set up here by the lawless, to the destruction of all human rights protected in civil society.

MESSAGE FROM "THE HOUSE."

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. 3132) to amend section 2172 of the Revised Statutes of the United States relating to naturalization.

The message also announced that Mr. LANGLEY had been appointed one of the conferees on the part of the House on the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs, in the place of Mr. AUSTIN.

ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 284) making an appropriation for contingent expenses of the House of Representatives, and it was thereupon signed by the Vice President.

PETITION.

Mr. OWEN presented a petition of sundry citizens of Oklahoma City, Okla., praying for national prohibition as a war measure, which was ordered to lie on the table.

LEON SPRINGS MILITARY RESERVATION.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 2704) for the acquisition of additional land at the Leon Springs Military Reservation, Tex., reported it without amendment and submitted a report (No. 423) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FRANCE:

A bill (S. 4483) granting an increase of pension to Thomas C. Helmling; to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 4484) granting a pension to Mary W. M. Duncan;
A bill (S. 4485) granting a pension to Mary E. Godding;
A bill (S. 4486) granting a pension to Ernestine Hauck;
A bill (S. 4487) granting a pension to Mary J. McKissick;
A bill (S. 4488) granting a pension to Perry L. Smith;
A bill (S. 4489) granting an increase of pension to Charles B. Eggleston;

A bill (S. 4490) granting an increase of pension to Joseph A. Funk;

A bill (S. 4491) granting a pension to Michael Keavy;
A bill (S. 4492) granting an increase of pension to Jacob Miller; and

A bill (S. 4493) granting an increase of pension to Abraham Taft; to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 4494) to grant half railroad rates to enlisted men in the military or naval service; to the Committee on Military Affairs.

By Mr. OWEN:

A bill (S. 4495) creating a fidelity division in the Treasury Department, providing a bonding system for disbursing officers, and for other purposes connected therewith; to the Committee on Banking and Currency.

A bill (S. 4496) for the relief of the heirs of Israel Folsom, deceased; to the Committee on Indian Affairs.

A bill (S. 4497) to provide for the accumulation and administration by the Treasury Department of the United States, of a perpetual people's pension fund (not dependent upon taxation) yielding to duly participating American citizens "crescent" life annuities (improving, with advancing age, by "ton-tine" inheritance of the income of decedent fellow-annuitants born in the same calendar year), with accompanying papers; to the Committee on Pensions.

By Mr. SAULSBURY:

A joint resolution (S. J. Res. 152) to prevent rent profiteering in the District of Columbia; to the Committee on the District of Columbia.

By Mr. OWEN:

A joint resolution (S. J. Res. 153) requesting the President to invite the entente allies to declare the rules of international law and require the German Government to accept such rules under penalty of progressive international boycott, etc.; to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER. I submit an amendment intended to be proposed to the naval appropriation bill, which I ask may be read.

The amendment was read, ordered to be printed, and referred to the Committee on Naval Affairs, as follows:

On page 78, strike out the following:

"That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making, or causing to be made with a stop watch or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant."

Mr. CURTIS submitted an amendment proposing to appropriate \$5,000 in aid of the National Library for the Blind located in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

EXPENDITURES FOR WAR PURPOSES.

Mr. GALLINGER submitted the following resolution (S. Res. 236), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Expenditures in the War Department, or any subcommittee thereof, is hereby authorized and directed, during the Sixty-fifth Congress, to thoroughly inquire into the expenditure of appropriations already made for war purposes. The committee is authorized to send for persons and papers, to administer oaths, and to employ a stenographer, at a cost not to exceed \$1 per printed page. Such committee shall make report to the Senate at the earliest practicable day, with such recommendations as the facts may

warrant, and in the discharge of its duties the committee may sit during the sessions or recesses of the Senate, the expenses of the investigation to be paid from the contingent fund of the Senate.

LIMITATION OF DEBATE—AMENDMENT OF THE RULES.

Mr. UNDERWOOD. Mr. President, out of order I ask unanimous consent to submit a resolution amending the rules of the Senate. I ask that it be referred to the Committee on Rules.

There being no objection, the resolution (S. Res. 235) was referred to the Committee on Rules, as follows:

Resolved, That during the period of the present war the rules of the Senate be amended by adding thereto, in lieu of the rule adopted by the Senate for the limitation of debate on March 8, 1917, the following:

1. After there has been debate for two calendar days on a pending bill or resolution, a motion for the previous question shall be entertained, which, being ordered by a majority of Senators voting, if a quorum be present, shall have the effect to cut off all debate, except as hereinafter provided, and bring the Senate to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its passage or rejection. It shall be in order, pending the motion for, or after the previous question shall have been ordered on its passage, for the presiding officer to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.

2. All motions for the previous question shall, before being submitted to the Senate, be seconded by a majority by tellers, if demanded.

3. When a motion for the previous question has been ordered it shall be in order, before final vote is taken, for each Senator to debate the bill or resolution for not over 20 minutes and to speak once on each amendment for not over 10 minutes.

REPORT OF AERONAUTICAL SOCIETY OF AMERICA.

Mr. GALLINGER. Mr. President, I ask unanimous consent that the report of the Aeronautical Society of America, which was printed in the Record on Thursday last, be printed as a Senate document.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). The Senator from New Hampshire asks unanimous consent that the report of the Aeronautical Society, which was printed in the Record on Thursday last, be printed as a Senate document.

Mr. THOMAS. Mr. President, I think the chairman of the Committee on Printing should be present when that request is considered. Personally, I have no objection to it, but I think it ought to go to the Committee on Printing.

Mr. GALLINGER. I withdraw the request; I will renew it at some future time.

Mr. OVERMAN. Mr. President, I have just come in, and do not know what the document is.

The PRESIDING OFFICER. The Senator from New Hampshire has withdrawn his request.

Mr. GALLINGER. Mr. President, a moment ago I made a request that the report of the Aeronautical Society of America be printed as a Senate document. The Senator from Colorado [Mr. THOMAS] made the suggestion that the request be referred to the Committee on Printing. I ask unanimous consent to submit a resolution, for reference to the Committee on Printing, in connection with that matter.

The PRESIDING OFFICER. The Secretary will read the resolution.

The resolution (S. Res. 237) was read, as follows:

Resolved, That the report of the Aeronautical Society of America, as printed in the CONGRESSIONAL RECORD of Thursday, May 2, be published as a Senate Document.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Printing.

SEDITIONARY ACTS AND UTTERANCES—CONFERENCE REPORT.

The Senate resumed the consideration of the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

Mr. OVERMAN. Mr. President, when the Overman bill was before the Senate the Senator from Ohio [Mr. HARDING] took issue with the statement I made that ex-President Taft was favorable to the Overman bill, and so did the Senator from Pennsylvania [Mr. KNOX]. I argued that the messages he sent to Congress showed him to be in favor of the bill. The Senator from Pennsylvania and the Senator from Ohio took the position that I was wrong and that President Taft did not favor such legislation. I ask leave to put in the Record an editorial entitled "The Overman bill means better work for war," by William Howard Taft, in the Philadelphia Public Ledger, showing that my contention was correct.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

OVERMAN BILL MEANS BETTER WORK FOR WAR.

[By William Howard Taft.]

The passage of the Overman bill in the Senate secures its passage in the House because the chief opposition to its terms was manifested in the Senate. It is a bill which puts into Mr. Wilson's hands powers of coordination of various governmental agencies for conduct of the war greater than ever before exercised by any predecessor of his in the Presidency.

For national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective administration of his powers as Commander in Chief, the President may, under this bill, redistribute among executive agencies functions now by law conferred upon any department, commission, bureau, or officer. He is to do this by regulation to be filed with the head of the department affected and to remain in force during the war and for six months thereafter. Then the status quo ante is to be restored by operation of law.

The act specifically limits the exercise of the authority granted to matters relating to the conduct of the war. The President has power to transfer with the functions distributed from one department or bureau the personnel and records. Moneys appropriated now or in the future for any department or bureau are to be expended only for the function for which appropriated by the agency to which the President may assign such function. If the President confers all the functions of a bureau upon some other agency, with the view that such bureau ought to be abolished, he is to report this to Congress.

By an amendment of Senator WADSWORTH, the President is given specific authority to create an agency to have jurisdiction over production of airplanes, airplane engines, and aircraft equipment, and to expend all moneys appropriated heretofore for such production. This is the whole of the bill.

The provision of the bill, as introduced, by which the President was given power to create additional agencies and to vest in them performance of such functions as he might deem appropriate was wisely stricken out. This would have given a latitude of power unprecedented and dangerous. He could have made over the Government and created officers with wide powers and appointed men to fill them in the same decree without limitation. The only new agency he can create is that in which complete control of airplane production may be vested.

The bill will undoubtedly give to the President an elasticity of action which can make greatly for proper coordination. It enlarges his power, so it increases his responsibility for a lack of coordination in the future. There is duplication, indeed quadruplication, of functions that might well be put under one head. Take the matter of secret service—there is now a Secret Service in the State Department, in the Department of Justice, in the Treasury Department, and in the War Department. Clearly it would make for both economy and efficiency to have all the agencies engaged in the highly important work of ferreting out treason and spying in our vast and varied population of 100,000,000 and in 48 different States under one responsible head. Nothing is so vital to success in the Secret Service as the concentration of all the details concerning criminal conspiracies and acts in one office and under one control, where they may be compared, conclusions reached, and action taken. The Government has been criticized for failure to convict spies and traitors. Popular imagination on the subject has doubtless been stirred without facts to justify it. Still it is likely that more spies and traitors could have been caught had there been one Secret Service.

Another great field for improvement is in the matter of production and purchase for war purposes. Another is the matter of transportation. There are others. In some of these fields action has been taken, but its effect has been limited because of the lack of power in the President. The authority conferred by the President on Mr. Baruch it might be hard to sustain as legal until this bill becomes law.

Under this bill the President may not abolish departments. He may not create new offices and fill them. He may take a bureau out of one department and put it in another and then unite it with a bureau or office there. He can not spend money for any function not expressly authorized by Congress. On the passage of this bill, however, nothing will prevent complete correlation and union of functions directed toward one specific end. This should make greatly for a successful conduct of the war.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. JOHNSON of California. Mr. President, I shall take but a brief part of the time of the Senate. The conference report has been fully discussed and the minds of Senators have been fully made up. In addition to what I said, however, on the very day the conference report was presented there are one or two very brief observations that I wish to make.

The remarkable part of the discussion is that those who ask the passage of this sort of legislation do so substantially upon the ground of those who oppose the passage of this kind of legislation.

Mr. President, the design—at least the design expressed on the floor of the Senate—of the proponents of the very drastic legislation proposed is the design which actuates many of us in its opposition. The purpose of the legislation is apparently, on the part of those who speak in its behalf, to strengthen the Nation, to aid in the prosecution of the war, and by legislative enactment behind the lines of those who are fighting the Nation's battles in France to render the aid here of the civic population. The purpose of those of us who oppose this legislation is to prevent, if we can, disunion among our people, discontent among those behind the lines, to unite, if we are able, all our people in a homogeneous entity for the success of the war, and thus render best our aid to the men who are doing the actual fighting across the sea.

Measures such as this are not new to nations facing peril and crisis and engaged in conflict. They ever emanate and they become more drastic in terms when the crisis is nearest and

the peril greatest. They are the result, indeed, of a sort of psychological effect which war produces upon human kind, and they are the result of a peculiar sort of mental hysteria that comes when people are forced to face great struggles and great attacks. If, in moments such as this, we can keep our heads and maintain our equilibrium, if we can keep our feet upon the ground and remember that the best service, after all, is the service to all of our people and the service which will best unite them, we will have performed in the highest degree the patriotism that is, of course, the characteristic of all upon this floor.

Measures such as this do not unite a people; they breed discontent; they cause suspicion to stalk all through the land; they make the one man the spy upon the other; they take a great, virile, brave people and make that people timid and fearful. Measures such as this do not unite a great democracy such as ours. No matter how you may repress and suppress by legislation, no matter how apparently there may be union among all your people, with the repression, suppression, and oppression of such measures as this, deep down in the hearts of all will be found distrust of neighbors, insidious suspicion skulking all over the land, and finally the very discontent that every one of us would avoid.

The purpose that actuates me in opposing this bill, and which has actuated me in opposing every effort that has been made from the time that this war began to gag the press or to stifle free speech, is because, in my opinion, deep ingrained, just as strongly as I may express it, is the idea that it is absolutely essential in fighting this war that we maintain the morale at home as well as the morale abroad, and we can maintain that morale at home best by doing those things that bring our people together; bring them together in that attitude which shall make for concert of action—trustful, decent, loyal action—in behalf of those who are abroad.

I can not tell you how I feel about the young men who are beyond the seas. In story and in song we have told and sung the deeds of valor and heroism since men have fought at all. We have told of Thermopylae, where a brave 300 withstood the myriads of Persians; we have sung through our poets of battles of the past wherever freedom was at stake. The valor at Ivry, the courage of Fontenoy, the stubborn and invincible bravery of Naseby have roused our admiration and fired our imagination. But there never was a charge in all history that equals in bravery or heroism the everyday foray of the men in khaki of ours, who "go over the top," men who have had a scant six months' training, men who go against a lifetime of preparation, men who, coming from the bowels of the earth into an unknown land, go to unseen dangers against implements of destruction of which the world never before dreamed.

Anything that we might do of any character that would aid those boys across the sea is a thing that all of us wish to do; and anything that will detract from the morale at home or spread disunion among our people or discontent or suspicion is the thing we do not want to do, and that we ought not to do, else we shall injure those fighting abroad.

So it is that those of us who oppose such measures as this do it upon the very broadest ground, that by such bills we not only injure our people at home, we not only strike a blow at democracy here, at free speech, and at the liberty of the press, that are necessary in time of war as well as in time of peace, but we strike a blow against those who are fighting our battles in foreign fields.

I have had one or two instances of late that would indicate the possibilities of a measure such as this. You recall that under this measure a man may be subjected to 20 years' imprisonment if he "shall willfully utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language about the form of government of the United States or the Constitution of the United States or the military or naval forces of the United States." Two days ago a young man, who was as a son to me, was killed at Fort Worth, Tex. He was killed there in one of the first flights that he endeavored to make in the Aviation Corps. I can describe to you something of the character of this young man and his enthusiasm when I say to you that he was 32 years old, over the draft age; he enlisted as what he termed a "buck private" in the Aviation Corps, because it was his desire to serve his country and to do his duty in this time of stress. I have his letters written before his death, describing a situation which ought not to exist. I read last night in one of the New York papers the statement of the father of the man who was killed with him, and that statement I will read to you. The young man to whom I refer, who was very dear to me, was Paul Herriott, a graduate of the University of California, a man of ability, a man of standing, who had made his mark in California, and who, in order that he might do his

duty in this time of dire stress, went, as I have said, as a private in the Aviation Corps, passed his examination at San Antonio, and was on his road to become a pilot, because it was only as a pilot that he desired to be in the Aviation Corps at Fort Worth.

His untimely death, of course, has aroused in every one of us a feeling of the utmost grief. Beyond that it has seemed to some of us—though we may do injustice in that regard—that his death was unnecessary and that it might have been prevented. When I read last night in a New York paper a statement of the father of the man who accompanied him and was killed at the same time, I thought what must be the feelings of the parents of these young men whose lives were thus snuffed out before they had even the poor consolation of attaining their ambition of fighting upon the battle line in France. I now read:

Lieut. Ennis, who was killed in Texas, was the son of Dr. James Seferen Ennis, of No. 165 West Seventy-ninth Street. Dr. Ennis received word from the War Department of his son's death yesterday afternoon.

Lieut. Ennis was a graduate of Yale (academic) in 1915. He was a post-graduate student at Toulouse, France, until the United States entered the war, when he came home and volunteered. He was graduated from the ground school of the aviation section on October 20, 1917, with a standing so high that he was one of 20 to receive a supplementary training with the Royal Flying Corps at Camp Borden, in Canada. Since April 1 he has been instructing cadets.

Dr. Ennis said last night: "There have been a good many deaths at Fort Worth lately. I have nothing to say in the way of blaming anyone, but it does seem to me that the engines at Tullahoma Fields, where my son was killed, should be better inspected."

"I have several letters from my son lately, and he told me of having to make several forced landings because of his engines failing."

I read only what appears in the paper. I impress upon you that, personally, I do not know the gentleman who speaks in the article and know but little of the detail of what he states.

I recognize that with Europe a slaughter pen, with the blood of the white race there being poured forth, and with all the myriads of death "over there," perhaps you may be little concerned with the death of Lieut. Ennis or with the death of one who was as a son to me, Paul Herriott, a dear, a brave, an unselfish, and a patriotic boy; but to those who loved these men there is, of course, a feeling that if such things as are indicated by Dr. Ennis be true, the deaths were wholly unnecessary; and if the anguished hearts of those who loved these men should cry out against the part of the Army that permitted that sort of thing, if it were permitted wrongfully—and I make no accusation at this time—if those who cared for them should in abusive or in other language denounce those who were responsible, or insist, in some sort of language that might be determined "scurrilous or abusive," that there was fault on the part of officers of the United States, those who thus cried out from anguished hearts would be liable to 20 years' imprisonment under this bill!

I will cite another instance occurring this morning. I sat at breakfast with a gentleman who is engaged in very large business ventures. I talked with him of a subject that was uppermost in my mind, the bill now pending before the Committee on Military Affairs, which gives to the President of the United States the absolute power to take all the personal and real property in the United States belonging to any man or to any company or to any corporation. That sounds exaggerative, does it not? But that is exactly what the bill is that is pending now before the Military Affairs Committee, and is exactly what the bill is that great departments of the Government have said to that committee should at this time be passed. When I talked to this gentleman this morning concerning that particular measure, he said: "You can not mean that seriously there is any purpose of passing such a law?" I said, "It is so serious that the departments recommend it, and it is only the Congress of the United States that stands between that bill and its enactment and its possible exercise." "Good God," he said, "if you pass such a law we might just as well be in Prussia." I said, "Keep still, because if we adopt the conference report now before us, and you should make such a remark as that, 20 years will be your portion," and under this bill that would be so. Thus I say to you when examples of this sort occur daily, how can it be possible that you should want to put upon our people any such bill as this?

I have confidence in the Department of Justice; I have confidence, indeed, in most of the departments of this Government. I will yield them a ready acquiescence in nearly everything that they desire in this particular time, but I can not yield, under the specious plea that it is for the war, and that if I do not do it then I am not sufficiently loyal, the things that are dearest to me and that ought to be dearest to you and are dearest, I am sure, to all the American people.

A brave man does not have to boast, and a patriot does not have to protest his loyalty. This bill puts a premium upon

hypocrisy; this bill makes the man with the loudest vocal vociferation of his own virtues and his own patriotism the greatest man among us; and the man who thinks, the man who strives, the man who wants to do for his country, the man who wants to render real service with the head that God gave him is unable to render that service, unable to think, unable to act, unable to speak. Nothing better illustrates—and I say this in no invidious fashion—the truth of what I indicate now than the attitude of a part of the press of the Nation to-day, which you observe and upon which privately you comment.

One of the greatest of professions that we have ever had is that of journalism. The newspaper correspondents represent in part the profession of journalism, and all of you have read some of their recent effusions, and some of these consist simply of hypocritical subservency to power. Already by the repressive measures that you have passed in this country you have taken out of the heads of otherwise brave men the real thing that makes men; you have taken from hearts that beat strong that which made them strong, and their hearts are now timid and they fear. I can not blame them. They fear to say what they think; aye, they even fear to tell the truth.

Take this from the press and you take it as well from the ordinary man. Let disloyalty be punished; let anyone who would seek to prevent being done anything which ought to be done, and let any act against the war or that interferes with its prosecution be punished just as condignly as you want; but do not put fear into a brave man's heart; do not padlock his lips when he is trying to do his best; do not instill into him the distrust and suspicion that this kind of a measure will put into human beings; do not set neighbor to watch neighbor; do not let men who have ulterior motives sneak around dark corners and endeavor to fasten something upon others. Leave us in this time of stress the right to talk from our hearts honestly and loyally, even if it be in abuse of any part of the Government of the United States. Leave unto the ordinary American citizen the right still to be an American citizen, and thus you leave behind the line the morale of a brave and homogeneous people, the morale that is necessary for the preservation of the morale abroad, and which is necessary to lead this democracy finally to victory.

Mr. THOMAS. Mr. President, I sympathize very strongly with the apprehensions expressed by the Senator from California [Mr. JOHNSON] concerning the methods in which the proposed legislation can be utilized for the purpose of punishing or persecuting citizens of the United States for expressions that are not designed to produce ulterior consequences. When the bill to which this measure is an amendment was before the Senate for discussion something like a year ago, I joined with others in opposing legislation so extensive as to suppress the utterance of truth and criticisms of a needful character which otherwise might be made unlawful should the legislation then proposed become effective. I felt then, and I feel now, that legitimate criticism of governmental affairs, telling the truth about them under certain circumstances, is as essential to the successful prosecution of the war as it is to suppress disloyal utterances whenever and wherever they are designed—and they generally are designed—to produce untoward consequences.

If I had my way about this measure, I would attempt to very materially modify the phraseology of the proposed substitute for section 3, while at the same time recognizing the difficulty of drawing a line of demarcation between that which is and that which is not seditious. We can easily, by illustrations, determine whether a given statement or situation is or is not proper, but we can not—and I think the poverty of language is such that no man can—define the limitations, the boundaries, between sedition and truth and honest criticism.

The one saving grace about the proposed amendment is the insertion of the word "willfully" as to all of the things designed to be prohibited. In other words, the intent is carefully safeguarded, or safeguarded as far as the use of a term long since legally defined can make it. That, however, does not protect the citizen from the attempts which may be made to assail his integrity as a citizen by those interested in causing him trouble or in securing his conviction, and therein, to my mind, is the chief objection to the section.

No man of any consequence can carry on his daily affairs and come in contact with his fellow citizens without incurring opposition and enmity; and many of the enemies confronting the individual are not straightforward in their animosity or courageous in their efforts to secure satisfaction. They sneak behind statutes of this sort and become self-constituted emissaries of misinformation, thus setting the machinery of justice in operation and subjecting their opponents and their enemies to unjust and expensive and humiliating prosecution. That, I fear, is the inevitable consequence of this provision if it should be enacted into law.

We are told by the departments that the present statute is inefficient and practically inoperative, and that unless something of this kind is added to the espionage law it will fail to produce the consequences intended. We have had our attention called to the inefficiency of the existing section 3, not only in a general way but by way of specific instance. That statute seemed to me, at the time it was accepted by the Senate, to be sufficient for the purpose. It may be, however, that experience has demonstrated that we were wrong. I do not know. I will read it:

Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies, and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than 20 years, or both.

Mr. President, the condition of the country, due in large part to the fact that we are not a homogeneous people, and that one section, or a part of one section, of our population is avowedly disloyal and engaged in active enemy propaganda, is the only possible excuse, in my judgment, for this legislation. We should be sensible of the requirements of our institutions and constantly on guard for their protection in times of war, when, of all times, free institutions need safeguarding. There are, however, exceptions to all general rules, and this may be one of them. I am not prepared to say that it is, but I must recognize the existence of a situation that is both unique and dangerous.

Mr. President, I have had occasion to say at a previous time that the enemy known as pan-Germanism is far more dangerous to the allied forces than the troops of the Kaiser upon the western front. I have had occasion to illustrate that statement by referring to the fate of Russia and to the terrible disaster to the Italian arms last October, and also to the seething mass of dissatisfaction which is being carefully and constantly fomented in all allied countries. Germany, now conceded to have been the aggressor in this war, aims, as Bernhardt declared she should aim back in 1911, at world dominion; and Germany has prepared herself for her attempt at world dominion by nearly a half century of careful, constant, and meticulous preparation. There is nothing of which mankind is capable, no great advance sociologically, economically, industrially, politically, or commercially, which Germany has not long ago drafted into her general scheme of world dominion and military preparation therefor.

Forty years ago pan-Germanism began its pernicious course, with the result that every German, and as far as possible every descendant of every German, in every country in the world, has been utilized or sought to be utilized in the general scheme of Germanic world conquest. The Machiavellian philosophy, so called, has, ever since the time of Frederick the Great, been the accepted scheme of German activity; and it has been improved upon by Bismarck and by the present Kaiser to a degree that would astonish the author of that policy if he could be made aware of that development.

I happened to be in the city of Washington a few years ago when Prince Henry of Prussia, representing his imperial brother, visited the United States. It was my good fortune to sit in yonder gallery when he was ushered into this Hall by a committee of which the then chairman of the Committee on Foreign Relations was the leader, and to listen to his words of amity and good will toward the United States—a speech the earnestness and sincerity of which was at the time never doubted, and which, of course, contributed almost entirely to the cordial reception which he received, both at the hands of public functionaries and at the hands of private citizens everywhere. And yet we now know, we long since have known, that the visit of Prince Henry to this country was not for the purposes ostensibly announced, but for the purpose of clinching and making more effective that American section of pan-Germanism that owes its allegiance first to the Kaiser and second, if any allegiance be left, to the United States of America. We now know why he visited the principal cities of the United States where German population is in the aggregate far greater than in other sections, and why his visit and its purposes have been followed up and stimulated ever since. We did not suspect it then. Indeed, one of the marvels in which posterity will indulge will be the utter indifference with which the people of other countries, without exception, permitted pan-Germanism to continue and to develop, all in the interest of the Fatherland; and that wonder, Mr. President, will be perhaps more complete when the statements, which should have

been warnings, made long before the war, were available to all thinking and reading people.

Gen. Bernhardt, in his now famous work, "Germany in the Next War," published in 1911, referring to the Germans beyond the Empire, said:

The further duty of supporting the Germans in foreign countries in their struggle for existence, and of thus keeping them loyal to their nationality, is one from which, in our indirect interests, we can not withdraw. The isolated groups of Germans abroad greatly benefit our trade, since by preference they obtain their goods from Germany; but they may also be useful to us politically, as we discover in America. The American Germans have formed a political alliance with the Irish, and, thus united, constitute a power in the State with which the Government must reckon.

The junior Senator from Utah [Mr. KING] can speak much more intelligently and forcefully than can I regarding the activities of the German-American Alliance in the United States; and we do know that in the interval between the general declaration of war and our entry into it, the activities of certain Irishmen and of certain Germans in the great cities of the country, particularly during the last political campaign, confirm the assertion of Bernhardt almost to the letter.

Of course, Mr. President, I must always be understood as exempting those patriotic and liberty-loving Germans and Irishmen and the descendants of Germans and of Irishmen from the general indictment of pan-Germanism; but after that exception is made there is too much of it, far too much of it, perniciously active at all times.

I was told a day or two ago that between the letting of the first contract for airplanes and the time when Mr. Ryan was placed in charge of that division of the military service 1,100 changes were made in the designs of one plane alone. I do not say that that was due to pan-German activity, but I say that it is an excellent illustration of the way in which these forces are constantly interfering to prevent the United States throwing its whole force into this struggle, and to prevent unity of American citizenship at home. I have not the time to refer to the many incidents, the many terrible events, crowding each upon the heels of the other since the debacle of August, 1914, began; but I do know, and every observing man in America knows, that the poison of quiet and sometimes of vociferous criticism of men and of measures, the dissemination of views regarding the operation of the draft law, the power of the Government to use its military forces outside of the jurisdiction of the United States, the spread of rumors of all sorts regarding the condition of our soldiery, the sanitary situation in their camps, and the thousand and one things which the devilish activities of a great section of our people suggest to others go further in a country like this to diffuse and to weaken our energies than in a country like Great Britain, whose population is largely homogeneous.

In America we have people from every section and every country on the earth, and we have been so indifferent to our own duties of citizenship as to permit them to remain segregated, to use their language and not our language, and to conduct themselves practically as foreign communities within our midst. That is the ripest soil that can be imagined for the dissemination of treasonable and semitreasonable utterances and propaganda.

If I understand the purpose of section 3, as presented by the conference report, it is to meet and if possible overcome that situation as far as the present legislation can overcome it, and therefore this report has been agreed upon.

Mr. President, we do not enact laws against murder and make crimes of larceny in order to interfere with the rights but rather to protect the rights of the law-abiding, tax-paying citizens. Those laws are necessarily general. They must be comprehensive else they would consist of class legislation and be both unjust and ineffective. So with legislation of this character, it must be made sufficiently comprehensive to include everybody—the white, the black, the rich, the poor, the Jew, the Gentile. It will probably bear, it may bear, heavily upon those who with the best of intentions express their opinions concerning government and governmental functions. It may go too far; I am afraid it does; but I sympathize, in view of the experiences of the past year, very strongly with that condition which has prompted the Government to ask legislation of this sort.

However, Mr. President, I rose more for the purpose of referring to a clause of section 3 which was eliminated by the committee of conference and which resulted in the recommitment of the bill when the first conference report was before the Senate.

Mr. KING. Will the Senator yield for just a moment?

Mr. THOMAS. Yes.

Mr. KING. I should like to suggest to the Senator that legislation of this character has been enacted in a number of States. Indeed, the draft of the section which the Senator is now discussing is largely copied from the law of Montana.

Mr. THOMAS. Yes, Mr. President, I am aware of that fact. The senior Senator from Montana—

Mr. GALLINGER. Will the Senator from Utah tell us what other States? He says it has been enacted in a number of States.

Mr. KING. The State of Idaho has a similar law, and I am told two or three other States, although I have not had an opportunity to verify the information which I have received.

Mr. GALLINGER. Scarcely a number.

Mr. THOMAS. The senior Senator from Montana [Mr. MYERS] the other day congratulated himself upon being the author of the Montana statute and upon its acceptance by Congress as the basis of this proposed amendment.

Mr. President, the fact that the States have adopted a similar statute I do not think is an argument in favor of or against this measure. I know there are a great many statutes in my State that had much better be left unenacted, and I am inclined to think that inasmuch as the State has taken the plunge it might possibly have been better to have allowed the judiciary of those States to have tried it out before rushing in headlong and adopting it ourselves. I hope it will work all right in Montana and in Idaho and in the other States. I do not for a moment question the patriotism or the good intention of the functionaries of States which have enacted such legislation, and I am aware, from a great deal of personal knowledge, of the necessity of something of the sort in the State of Montana.

Mr. President, when this bill was passed by the Senate section 3 contained the following proviso:

That nothing in this act shall be construed as limiting the liberty or impairing the right of any individual to publish or speak what is true with good motives and for justifiable ends.

That is an amendment which was presented, if I recollect rightly, by the junior Senator from Maryland [Mr. FRANCE], and it was accepted by the Senator having charge of the bill, in consequence of which I do not think it attracted much attention or much criticism. I remember that I favored it mentally and at the time regarded it as a beneficial addition to the section. But since it has become a pivot of active controversy I have taken occasion to look into the phraseology of it a little more closely, and my conclusion is that it should have been eliminated.

Provided, That nothing in this act shall be construed as limiting the liberty or impairing the right of any individual to publish or speak what is true with good motives and for justifiable ends.

Mr. President, intent is essential to the constitution of all crimes, great and small. Motive may be important as determining intent or it may not. The ideas, however, conveyed by the two words are by no means identical. A man with the best of motives may commit a serious crime and his purpose may be, in his opinion, justifiable; that is, he may act from pure motives and justifiable ends. I may be a neighbor of the Senator from South Carolina, and I may imagine that his house contains germs of some very infectious disease which unless removed may subject the members of my family to infection and to disease and death. The Senator, however, is indifferent to my appeals for fumigation and also to the apprehensions which I entertain, and since he will not act I set his house on fire. My motive is to protect my family, and that is a justifiable end; yet who will say that under such circumstances the laws of South Carolina would not reach forth and take possession of my person, imprison and try me, and convict me of the crime of arson?

Old Torquemada, the head of the Spanish Inquisition, apprehended and tried and burned heretics by the thousands with the best of motives and for justifiable ends, yet no student of history can now even indirectly justify the horrible cruelties that were perpetrated upon the people of Spain and of adjoining countries by the Inquisition.

A German-American, or a man who is not a German-American but sympathizing with the Germans, may with the best of motives acquire information regarding the state of our munition factories and publish the facts to the world. His motive is perfectly good. He wants to help the cause with which he sympathizes, and the end justifies the means in his instance. He publishes these facts. Could he be convicted under a statute containing such a proviso? I doubt it very much, Mr. President. It is not necessary to multiply instances because they would occur to any thinking man by the thousand.

This is not a new question. Indeed, it is very difficult to encounter any question which has not directly or indirectly met the criticism of the courts during our one hundred and twenty-five and odd years of national life. In the case of *Warner v. The Tenth National Bank* (29 Fed., 287) the court says:

"Intent" and "motive" are not identical and intent often exists where a motive is wholly wanting. When a man does not act or omits to do an act with knowledge of the consequences he intends the consequences just as truly as he intends to do or to omit the thing done or omitted. (*Warner v. Tenth National Bank*, 29 Fed., 287.)

The Supreme Court of the United States has also expressed itself upon the subject upon two occasions. I read an extract from the opinion in the case of *Johnson v. The United States* (157 U. S., 325):

The defendant's counsel asked an instruction that where the evidence shows that the defendant did not commit the actual killing and when it is uncertain whether he did participate in it then the jury may regard the absence of any proof of motive for the killing in finding their verdict. This instruction the court gave, but added to it the observation that the absence or presence of motive is not a necessary requisite to enable the jury to find the guilt of a party, because it is frequently impossible for the Government to find a motive. In thus qualifying the instruction, the learned judge committed no error. The jury were in effect told that they had right to consider the absence of any proof of motive, but that such proof was not essential to enable them to convict.

A case involving a similar question was decided in *Williamson v. United States* (207 U. S., 425).

The celebrated case of the People against Molineux involved the question I am now considering. The case was of such importance that it was published in the sixty-second volume of the *Lawyers' Reports (Annotated)*, beginning on page 193, with a most illuminating note covering all the cases involving the entire subject. The court there says:

Motive is the moving power which impels to action for a definite result; intent is the purpose to use a particular means to effect such result. In the popular mind intent and motive are not infrequently regarded as one and the same thing. In law there is a clear distinction between them. When a crime is clearly proven to have been committed by a person charged therewith, the question of motive may be of little or no importance, but criminal intent is always essential to the commission of crime. (*People v. Molineux*, 61 N. E., 286; 168 N. Y., 264.)

It is my opinion, therefore, Mr. President, that the committee acted wisely in eliminating this amendment from the section, because it would have destroyed the efficacy of the section utterly. The only defense, if defense be made, under such a provision would be to establish his good motives and the end to be accomplished, which, of course, would follow as being justifiable. So far, then, as that part of the report is concerned, I think the Senate should adopt it.

With the substance of section 3 a far more serious question, as I have suggested, is involved.

Mr. STERLING obtained the floor.

Mr. SHERMAN. Will the Senator yield for just a moment?

Mr. STERLING. I yield to the Senator from Illinois.

Mr. SHERMAN. Is the Senator from Colorado of the opinion that any citizen can criticize, supposing it to be based upon facts to be ascertained upon an inquiry in the event he be arrested, under the provisions of this bill the conduct of a military or naval officer or any officer in the executive department or any civil officer who is connected with the activities that relate to the war? Could he criticize his conduct? Could he instigate an investigation or could he criticize in the matter we have had here recently, the condition of the Aviation Service, without being sent to the penitentiary?

Mr. THOMAS. That question involves the crux of the whole subject involved in this section. My own belief is that inasmuch as the proposed amendment prohibits the willful doing of those things an honest criticism, a fair criticism, a criticism upon facts would be protected, and yet I am not absolutely positive about it.

Mr. SHERMAN. May I inquire further whether the person who makes the criticism does not take on himself the character of an insurer of the truth of the charge?

Mr. THOMAS. I think not. I believe that the defendant in every instance would have the benefit of those presumptions which the law always throws around an indicted citizen.

Mr. SHERMAN. So the jury could determine whether he was reasonably justified?

Mr. THOMAS. That is my impression. I do not want the Senator to understand that I am satisfied with this section. I am not, but I think the use of the word "willful," thus requiring the intent to appear, will protect and safeguard the honest man who is trying to help his Government by criticizing it as he ought, if it deserves criticism, and that the presumption of innocence and all the other presumptions which are thrown around every indicted citizen by the laws of the United States will operate to protect him.

Mr. SHERMAN. I thank the Senator.

Mr. STERLING. Mr. President, I hardly expected to take part in any discussion on this conference report, but I can not share in the apprehensions expressed by some Senators in regard to the consequences that may flow from this act. As a

member of the subcommittee of the Judiciary Committee that considered the bill I have given it some attention and have taken considerable interest in legislation of this character. Some days ago the Senate had before it the conference report on Senate bill 383, being the bill to provide for the punishment of those charged with the destruction or injuring of war material and war transportation by the use of fire, explosives, or other violent means, and to forbid the hostile use of property during the war. The conference report upon Senate bill 383, as it will be recalled, contained section 3. It provided—

That nothing herein contained shall be construed as making it unlawful for employees to agree together to stop work or not to enter thereon with the sole and bona fide purpose of securing better wages or conditions of employment.

There was very strong objection to section 3 of the bill, as shown in the conference report, and it was urged here on the floor of the Senate in the discussion of that conference report that section 3 was altogether gratuitous, that no language of the bill found in other sections could possibly be construed to prevent employees from peaceably stopping work in order to better their conditions as to wages or other conditions of employment.

I remember very well that during the course of that discussion the question was asked as to whether or not, if section 3 remained in the bill, it would not invite that very condition which of all others we desired to avoid; that is, a strike in those industries engaged in the manufacture of war materials.

I am inclined to think, Mr. President, that there came to be a sort of consensus of opinion here in the Senate that section 3 was more than gratuitous, that it was mischievous. It not being required by any of the other provisions of the bill in order that the legitimate rights of laboring men might be safeguarded, it would serve to call the attention of employees to that particular thing, and therefore invite a strike and the consequent crippling of war industries. So that conference report was rejected.

Mr. President, my purpose in alluding to the conference report on Senate bill 383 and to section 3 thereof is to point out what I deem an analogy between that bill and the pending bill and the amendment offered to the pending bill and carried here in the Senate by the Senator from Maryland [Mr. FRANCE]; an amendment which reasserted the law which is recognized as existing in nearly every State in the Union in regard to prosecutions for libel, providing in substance that the truth spoken or written with good motives and for justifiable ends should constitute a defense.

Mr. President, in my judgment that language is just as unnecessary in the pending bill as was the language of section 3 in Senate bill 383, and that a close study of the bill will disclose the fact. I think, that instead of needing these words to guard the rights of the press or to guard the rights of any citizen the language of the bill negatives the idea that the truth spoken with good motives and for justifiable ends could be subject to the provisions of the bill.

Mr. FRANCE. Mr. President—

The PRESIDING OFFICER (Mr. SHEPARD in the chair). Does the Senator from South Dakota yield to the Senator from Maryland?

Mr. STERLING. I yield to the Senator from Maryland.

Mr. FRANCE. I ask the Senator from South Dakota if he will explain a little more in detail what he means by "unnecessary"? Does he mean by the word "unnecessary" that the language was immaterial, or does he mean that this is already covered by the statute? Does he mean that it is immaterial whether the language is there or whether it is not there, or does he mean that it is merely not necessary?

Mr. STERLING. Mr. President, I mean that it is not necessary in order to protect the rights of the publishers or the utterers of words. Now, note the language of the bill:

Whoever, when the United States is at war, shall willfully utter, print, write, or publish—

What?—

any disloyal, profane, scurrilous, or abusive language about the form of government of the United States or the Constitution of the United States or the military or naval forces of the United States or the flag of the United States—

And so forth.

Mr. President, the individual publishing or uttering disloyal, profane, scurrilous, or abusive language in regard to the form of government or the Constitution of the United States is not speaking the truth with good motives and for justifiable ends, and for the simple reason that under the language of the bill the language used must be "disloyal, profane, scurrilous, or abusive."

There has been a good deal of discussion here, Mr. President, about different officials of the Government and different activi-

ties of the Government, to which the language of this bill does not apply. It does not prevent any criticism of the War Department, the Navy Department, or of any other department of the Government, for that would not be concerning the form of government itself or concerning the Constitution of the United States. The language must go to the form of government or to the Constitution itself, and it must be disloyal, profane, scurrilous, or abusive language. No criticism made of any governmental activity will come within the scope of this bill or the language used in the bill.

Mr. SHERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Illinois?

Mr. STERLING. I yield to the Senator.

Mr. SHERMAN. I desire to inquire of the Senator what he thinks of the language contained in a subsequent portion of the section, "intended to bring the form of government of the United States" into disrepute or into contempt? I am only quoting the language from memory. Would it include a criticism of an officer of the executive department or of a military or naval officer or of one connected with the Military or Naval Department? If I made the criticism in good faith, even though it might turn out, if I were indicted and tried, that the facts asserted would not be sustained by the proof—if I in good faith believed at the time I made the charge that it was true and had good reason to believe that what I said was true—would that tend to bring the Government of the United States into disrepute; for instance, if I had criticized in good faith, believing it to be true at the time, that some one connected with the Aviation Service had been faithless in the expenditure of funds for the Aviation Service?

Mr. STERLING. Mr. President, in answer to the question of the Senator from Illinois, I will say no; he surely would not be indicated under the terms of this bill. It does not refer to an officer of the Government; it does not prevent criticism of any officer of the Government; but it does prevent the use of language intended to bring the form of government of the United States or the Constitution of the United States, and so forth, into disrepute. How the Senator from Illinois can construe a criticism of any official of the Government as tending to bring the very form of our government, which is republican, into disrepute, I can not understand.

Mr. SHERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Illinois?

Mr. STERLING. I do.

Mr. SHERMAN. There is further language, though I have not the section before me, concerning which I desire to make an inquiry in reference to abusive language about the military or naval forces of the United States. "Abusive" is a very flexible and comprehensive term. If I criticize the military forces of the United States by criticizing one or more of their officers or the heads of bureaus or departments—not in the field, but in the departments at Washington—under the conditions I have heretofore named in the former question, would that constitute an offense under this section?

Mr. STERLING. No; I do not think so. I do not think a criticism of an individual military officer of the United States would come within the provisions of this bill. If the Senator will note all of the language of the section and make the proper connection of that language, he will see that it refers to disloyal language, profane language, scurrilous language, or abusive language about the form of government or—omitting some portions of the text—about the military or naval forces of the United States. I do not think, Mr. President, that it would prevent criticism of the individual soldier or the individual officer or the individual company or, perhaps, an individual regiment of soldiers, so far as that is concerned, who were not obedient to military discipline or to the rules provided for their government. That is not a criticism within the meaning of the bill of the Army and Navy forces of the United States.

Mr. JOHNSON of California. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from California?

Mr. STERLING. I yield to the Senator from California.

Mr. JOHNSON of California. Let me ask the Senator a question. Suppose abusive language was directed not to an individual or to a company, but to a department which constitutes a large part of the military or naval forces of the United States?

Mr. STERLING. Does the Senator mean a department of the military forces or a department of the Government?

Mr. JOHNSON of California. Either one.

Mr. STERLING. I do not think the criticism of a department of the Government is prohibited by this bill. I think the language employed in this bill would fall under the general rule of construction, that the mention of the one or of a series will, by implication, exclude the others; and where it is confined to the form of government or the Constitution of the United States as this language is, so far as it relates to governmental activities, so far as it relates to any particular department of the Government, they are by implication excluded from the operations of this bill under the familiar principle of construction, to which I have referred, that the expression of the one excludes the other.

Mr. WALSH. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Montana?

Mr. STERLING. I yield to the Senator.

Mr. WALSH. I understood the Senator to say, in answer to the question addressed to him by the Senator from California, that he did not believe that the bill could be construed to embrace criticisms of any department of the Government. Can the Senator from South Dakota call our attention to any language which might possibly be so construed?

Mr. STERLING. I will say to the Senator from Montana that I can not find in all the bill any language that will bear any such construction as that.

Mr. WALSH. Can the Senator conceive of the particular language the Senator from California might have had in mind?

Mr. STERLING. I can not.

Mr. JOHNSON of California. Mr. President—

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from South Dakota yield to the Senator from California?

Mr. STERLING. I yield.

Mr. JOHNSON of California. Of course, I am delighted to know the interest that is evinced by the Senator from Montana in what may be my peculiar mental processes in addressing the Senator from South Dakota. If the Senator will permit me, I might enlighten him respecting the particular matter, or, perhaps, it will be better for me to do so subsequently.

Mr. WALSH. Mr. President, I looked and did not see the Senator from California in his seat and was unaware that he was in the Chamber. I shall be very glad to address the question to him, if the Senator from South Dakota will yield.

Mr. JOHNSON of California. I will take the opportunity later to suggest certain examples that have escaped the keen scrutiny of the Senator from Montana.

Mr. STERLING. Mr. President, that, in the main, is my construction of that particular portion of the bill which relates to disloyal, profane, scurrilous, or abusive language. I think the insertion of the amendment of the Senator from Maryland would be fraught with great danger, in that it would to a great extent nullify the provisions of this section, as the question then would largely be one of the motive with which the words were published or uttered, and motive, Mr. President, as very well stated by the distinguished Senator from Colorado, can not be a defense.

Mr. SHERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Illinois?

Mr. STERLING. I yield.

Mr. SHERMAN. Before the Senator goes to another part of his discussion, if he will permit me, I should like to inquire what his opinion is of the following prohibition—I am reading now from the top of page 2 of the conference report—

Language intended to bring—

Omitting certain phrases and summarizing it—

Intended to bring the military or naval forces of the United States into disrepute.

Would that include a criticism of military or naval officers or heads of departments in relation to their official conduct or possibly their military conduct, or of the Commander in Chief and his military conduct, as it might subsequently develop in the management of our public defense in waging the war? Would criticisms of officers made in good faith and for the bona fide purposes of improving conditions under which the war is conducted be construed to bring the military or naval forces of the United States into disrepute, and so subject the one using such language to indictment?

Mr. STERLING. In answer to the Senator from Illinois, I will say that I think not. I do not think that this bill is aimed at any just criticism of any individual officer, civil or military; the criticism must relate to the Army or Navy of the United States or the military or naval forces of the United States, and must be disloyal, abusive, or scurrilous in regard to them, or

couched in language which would bring them as an armed force or organization into disrepute.

Mr. SHERMAN. Mr. President, I have no difference of opinion with any Senator as to language that is scurrilous, or, in ordinary acceptance, abusive, or calculated to incite a spirit of insubordination or civil tumult or to encourage mutiny, or is in the mind of the average man calculated to obstruct enlistments or the procurement of supplies, and so forth, for the military or naval forces; but I wish to make an inquiry concerning a provision five or six lines lower in the bill, covering language willfully uttered, intended to "encourage resistance to the United States." I want to enlarge that. We are thinking of resistance in our own borders, the instigation of domestic discontent. The publication of information about the Aviation Service and the lack of adequate progress made in the last year would have a wider significance than that, because it might well under this provision be construed to encourage resistance of the German Government to the United States, if they found that we have not made more satisfactory progress, and I think it has that signification. I wish to inquire of the Senator if, in his opinion, revelations of that kind, made in good faith, would subject one to prosecution on the ground that it encouraged the German Government in its resistance to the United States?

Mr. STERLING. Oh, Mr. President, I do not think the language will bear any such construction as that. I think it means language which is intended to incite, provoke, or encourage resistance to the United States within the United States, and that the resistance here meant is not the resistance of a government with which we are now at war.

Mr. FALL. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from New Mexico?

Mr. STERLING. I yield to the Senator.

Mr. FALL. Is it not a fact that the language "resistance to the United States" was a Senate amendment to the committee amendment, placed in the bill here after considerable discussion, and upon motion of the Senator from Pennsylvania [Mr. Knox]? The original language was perfectly clear before the adoption of the Knox amendment, and to me the former language was much clearer. The language was, "resistance to an act of an officer of the United States enforcing the laws of the United States," and so forth. That was the original language; but one or two cases in the Supreme Court of the United States were cited here by various of our learned members of the legal fraternity. The Senate of the United States then, in its wisdom, decided that this language, "resistance to the United States," following the language used by the Supreme Court in the Terry case, would be better, on the whole, than the language of the original committee amendment, providing a penalty for resisting the legal order of an officer of the United States.

Mr. STERLING. Mr. President, I understand the amendment of the Senator from Pennsylvania and how it came to be enacted. I think it is an improvement upon the original bill, and in itself it serves to do away with a great many of the objections that have been made to the bill, namely, that the criticism of an officer for some of his acts might come within the provisions of the bill. The amendment was offered and adopted with a view of preventing that criticism of the bill.

Mr. SHERMAN. Mr. President, if the Senator will permit a further inquiry—

Mr. STERLING. Yes; I yield to the Senator.

Mr. SHERMAN. I will ask the Senator's opinion of the following language:

Or shall by utterance, writing, printing, publication, or language spoken, urge, incite, or advocate any curtailment of production in this country of any thing or things * * * necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of the war.

I will ask the Senator whether he thinks that would interfere with a strike in the production of shells or ordnance or fuel, or must it not only be a strike to curtail production, but must the curtailment of production be with the intent on the part of the strikers to cripple the United States? How far would an act have to go, under this language, to stop a strike that is threatened in a munition plant or a coal mine?

Mr. STERLING. Mr. President, I think that language uttered or published with the intent to incite a strike for the purpose of curtailing the production of munitions or other material needed in the prosecution of the war would come within the meaning of this act, and that those who incite or provoke such a strike, with the intent by such curtailment to cripple or hinder the United States, would come within the meaning of the act.

Mr. SHERMAN. Would the mere fact that a strike ensued in pursuance of a common understanding, resulting in curtailing the output of munitions or fuel, be of itself sufficient, or in the prosecution, would it be necessary for the district attorney to aver in the indictment and to prove that the strike not only curtailed the production of a necessary article, but that it was with intent to cripple the United States? They would probably come in, in defense, and say that the strike was to better working conditions, to increase wages, and not to cripple the United States.

Mr. STERLING. In a case of the kind suggested by the Senator from Illinois, I think, from the plain reading of this bill, the specific intent to curtail production would have to be alleged and would have to be proven, and that the mere curtailment of production as a result of a strike made in good faith for the purpose of improving conditions would not come within the provisions of the act.

Mr. SHERMAN. Must it be alleged further, if I may inquire, that it was with intent to cripple the United States?

Mr. STERLING. I think so; and the offense is not complete unless the act is committed, and with that intent, namely, to cripple or hinder the United States.

Mr. SHERMAN. Then, Mr. President, this provision, if enacted into law, will do no more than make confusion worse confounded with existing law. The Senator from Montana [Mr. WALSH] made an inquiry on this subject yesterday, and I did not have the act at hand to quote; but, with the Senator's permission, I will inquire now if this law, already in force and which has been unused in cases of curtailing production up to this time, is not a better one than the law proposed in the latter part of the section we are now considering? It reads as follows—

Mr. STERLING. From what act is the Senator reading?

Mr. SHERMAN. From section 4 of the food and fuel act. I called the attention of the Attorney General of the United States to this provision, as it seems to have escaped his attention since the approval of the act of August 10, 1917. I quote now the language of section 4, omitting certain phrases which do not refer to the case I have in mind, as I believe:

That it is hereby made unlawful for any person * * * to conspire, combine, agree, or arrange with any other person (a) to limit the facilities for * * * producing * * * any necessities; (b) to restrict the supply of any necessities.

Mr. STERLING. Mr. President, if the Senator will permit me right there, the word "necessaries," as used in the food-control act, is confined to certain articles, foodstuffs in the main.

Mr. SHERMAN. It is confined to food and fuel.

Mr. STERLING. Yes.

Mr. SHERMAN. Coal is a necessary ingredient of fuel. Fuel oil is another.

Mr. STERLING. Yes.

Mr. SHERMAN. But the matter I have particularly in mind, and which I earnestly hoped in my communications with the Attorney General he would avail himself of. I think does not require any construction, but is the plain language of the act, which prohibits a conspiracy among two or more persons to limit the production of fuel, coming directly within the food and fuel act; and that is stronger, in my judgment, than the language of the bill now under consideration. Now, very lately, on the 25th of April, 1918—showing, I think, that at last some Federal official somewhere has the right view of this law—at Christopher, Ill., where there are a large number of soft-coal shafts, which have been idle since November 29, 1917, they were reopened after 200 miners were told by Federal officials that they could either resume work or face prosecution under this section of the fuel act.

Now, that is covered, and covered adequately, in my judgment. I think any district attorney could indict and could convict, because all he needs to do is to aver in the indictment and prove that the men conspired to quit the operation of the mine, refused to work and to produce fuel, so as to limit the output of a necessary; and without fuel we can not operate munition plants.

Why does not the Attorney General prosecute under this section, or direct his district attorney in the district concerned so to do, instead of saying that the Congress is at fault for not providing new legislation?

Mr. STERLING. Mr. President, I can not explain why the Attorney General has not resorted to prosecutions in certain cases, prosecutions that would be authorized under existing law; and I think the Senator from Illinois has performed a service by calling the attention of the Senate to this particular provision in the food-control bill. It might be said that with that provision in the food-control bill, and with regard to certain productions, we would have the two acts which would apply. One of them is the food-control bill, and there it would apply to fuel, at least fuel used in the prosecution of the war.

Here is an act, however, which provides against inciting or provoking acts which will result in the curtailment of the production of war materials, and so forth, with the purpose of crippling or hindering the United States in the prosecution of the war.

I was about to say a word further in regard to the matter of motive, Mr. President, which is involved in the amendment of the Senator from Maryland.

Mr. SHERMAN. Mr. President, will the Senator have the patience to indulge me again?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to a further question?

Mr. STERLING. I yield to the Senator.

Mr. SHERMAN. I have only made these inquiries because the Supreme Court and inferior trial courts have frequently had recourse to the Record of the Senate and the House in the pendency of bills to ascertain what the legislative purpose was in enacting certain measures. I apologize to the Senator for taking his time; but I have made these inquiries with that in view so that it might be in the Record to help interpret this act.

Mr. STERLING. I appreciate the motive of the Senator from Illinois in calling attention to these matters, and I thank him for it.

The Senator from Colorado [Mr. THOMAS], as I stated a while ago, gave a very clear exposition and definition of motive, and distinguished it from intent. I add this quotation from Wharton in regard to motive:

No matter what other motives, good or bad, cooperated, if the intent to do the particular unlawful act is either proved or implied, the offense, if committed, is complete.

If the law were otherwise, there would be few convictions of crime, for there are few crimes in which extraneous motives are not mixed up with the particular evil motive.

The absence of motive shown for the commission of the crime may be considered by the jury as to the bearing of that fact on whether the defendant committed the crime, and to this point only.

And every lawyer knows how important the matter of motive sometimes is in cases depending upon circumstantial evidence.

Again:

And the law is that, no matter what may be the motives leading to a particular act, if the act be illegal, it is indictable, notwithstanding that some one or more of these motives may be meritorious.

Mr. FRANCE. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Maryland?

Mr. STERLING. I yield to the Senator.

Mr. FRANCE. I have a very high opinion of the legal attainments of both the Senator from Colorado and the Senator from South Dakota, but it seems to me that they have both analyzed this particular clause too closely. It seems to me they have disregarded the fact that the question of motive can not be separated from the question of the truth. The clause must be read as a whole; and this amendment, if it is adopted, prevents a man being prosecuted for speaking what is true with good motives. So it seems to me that there is a danger, into which, in my humble opinion, the Senator from Colorado and the Senator from South Dakota have both fallen, of discussing the question of motive by itself, aside from its proper connection with the question of the truth.

Mr. STERLING. Mr. President, in all such cases the question of truth will be a question in dispute, and the defendant will rely for the main part probably on his good motive in publishing the statement or delivering himself of the utterance. Then, further, Mr. President, I may say that in our present situation, considering the peril and the danger and the aid it may give to the enemy, the truth itself, from a military standpoint and from the standpoint of the peril it would occasion us, though stated or published with good motives according to the idea of the defendant himself, should not in some cases be published.

Mr. FRANCE. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Dakota yield for a further question to the Senator from Maryland?

Mr. STERLING. I yield.

Mr. FRANCE. The Senator has now reached the logical conclusion of his argument and the argument of all those who are opposed to this amendment. They do not wish the American people to be privileged at this time to speak the truth, with good motives and for justifiable ends. I am not a lawyer; but all of these legal subtleties will not enable those who take a position against this amendment from occupying the position of being opposed to permitting the American people at this time to speak the truth, with good motives and for justifiable ends.

Mr. STERLING. Mr. President, let me ask the Senator a question. Does the Senator think it might be always well that

the position, the situation, the movement of the land and naval forces of the United States should be published, although the truth might be spoken by the publisher or by the person making any oral statement in reference to them?

Mr. NELSON. Will the Senator allow me?

Mr. STERLING. I yield to the Senator.

Mr. NELSON. Let me call the attention of the Senator to that part of the bill relating to willfully attempting to obstruct or discourage recruiting or enlistment in the service. A man can do that in various ways by telling the truth. He can go on and tell how the poor soldiers suffer there, how they are shot and riddled with bombs, and how they are badly treated if they are prisoners, and be telling the truth, and yet by telling the truth he will be discouraging enlistments.

Mr. WATSON. But would that be a justifiable end according to the language of the amendment?

Mr. NELSON. That might be a question in morals. A man can tell the truth in various ways by which he can discourage enlistment and incite mutiny and other obstructions to the military forces of the United States. If you inject this provision into it, there is not a man who is disloyal and tries to hamper and hinder the Government but will insist on every occasion, "I am telling the truth."

Mr. SHERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Illinois?

Mr. STERLING. I yield.

Mr. SHERMAN. If the Senator from South Dakota will permit me, I will ask the Senator from Minnesota to state how a man can tell the truth when he discourages enlistments? Can the Senator cite a particular instance?

Mr. NELSON. Certainly. He can hold up the horrors of war to a young fellow, telling him how they are apt to suffer in the trenches, how they have to stand in the mud and water, and how they are liable to be hit by a bomb and be crippled; in other words, depicting all the horrors of war, so as to discourage poor fellows from enlisting by taking the heart and nerve out of them.

Mr. SHERMAN. I do not want to take the time of the Senator from South Dakota, but that does not answer the question at all.

Mr. NELSON. They may be telling the truth all the time, and yet they may be telling it in such a way as to discourage young men from enlisting.

Mr. SHERMAN. The object is not—

The PRESIDING OFFICER. Does the Senator from South Dakota yield further to the Senator from Illinois?

Mr. STERLING. I yield to the Senator from Illinois to make his statement.

Mr. SHERMAN. The object in such a case is not to tell the truth; it is to discourage enlistments.

Mr. NELSON. He is telling the truth for that purpose. What is the effect of it? It is to discourage enlistments. How can you tell his motive?

Mr. SHERMAN. The very fact that he is discouraging enlistments and could have no other object in view is enough to convict him before a jury. He could not escape under this law.

Mr. STERLING. I might suggest to the Senator from Illinois that he might fall back on the question of motive, and make the plea that his motive was a good motive, and yet a crime had been committed.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Florida?

Mr. STERLING. I yield to the Senator.

Mr. FLETCHER. I suggest to the Senator another illustration: Suppose a ship is about to leave the port of New York with 2,000 soldiers for France and it is known that it will sail at a certain hour. Suppose that should become known to some energetic pro-German sympathizer, would he be justified in publishing it, because if he did publish it, it would be true? Perhaps he may state the exact truth, but ought that to be published?

Mr. LODGE. That is giving aid and comfort to the enemy, of course. That is a wholly different thing.

Mr. FLETCHER. On the question whether a man can defend himself on the ground of his telling the truth, that is the position.

Mr. LODGE. As the Senator knows very well, that is a military offense covered by another statute.

Mr. FLETCHER. But you put in here a proviso that this law can not be enforced on people for telling the truth, if what is said is for good motives and a justifiable end.

Mr. STERLING. A man may burn a building and commit the crime of arson and yet say his motive was good, since it was to rid the city in which the building stood of what he determined was a nuisance. He committed the crime of arson nevertheless. I remember an example in my own town of action of that kind, where two young men took it upon themselves to rid the town of several buildings, and in the course of their operations burned three buildings before they were detected. Scientific enthusiasm may lead to the commission of a crime.

Mr. HARDWICK. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Georgia?

Mr. STERLING. In a moment. Take the case of disintering a corpse. Some vandal violates the cemetery and says he did it in the interest of science, or some man will say, "Here is a bad man in the community and I will resort to violence; I will take the law into my own hands to rid the community of such a man." He does it through a good motive. I yield to the Senator from Georgia.

Mr. HARDWICK. I wish to suggest to the Senator that in all those cases and the case suggested by the Senator from Florida [Mr. FLETCHER] and the case suggested earlier by the Senator from Colorado [Mr. THOMAS], the act now under consideration has not the slightest application, nor would the amendment omitted by the conferees have any application to that character of cases, nor does it propose by its terms to have any application.

Mr. STERLING. It is a question of motives, Mr. President, and the case cited by the Senator from Florida brings in the question of motive.

Mr. HARDWICK. No; if the Senator will pardon me, only as to crimes and offenses specified in the last amendment.

Mr. OVERMAN. Mr. President—

Mr. STERLING. I yield to the Senator from North Carolina.

Mr. OVERMAN. I should like to call attention to the charge of a judge to a jury. This is from a great Vermont judge:

The Government's evidence tends to show that the defendant intended to cause insubordination, disloyalty, and refusal of duty in the military forces of the United States; the defendant's evidence tends to show that the only intention which he had was to serve God.

You should be careful not to mix motive with intent. Motive is that which leads to the act; intent qualifies it. A crime may be committed with a good motive; it may be committed with an evil motive; or it may be committed with a good and an evil motive. To illustrate: The father of a large family steals bread for his starving children and also to deprive the owner of its value. He has two motives; one is good and one is evil; but he is guilty, notwithstanding he has a good motive as well as an evil motive, for he must not steal at all. So in this case the defendant's intention to serve God does not excuse him if you find that he also intended to cause insubordination, disloyalty, or refusal of duty.

This is a concrete case. At the time of this trial if this amendment had been the law the judge could not have made the charge he did, and the jury could not have convicted, as it did, and the man would have gotten off. That is a concrete case.

Mr. GALLINGER. The man was not released?

Mr. OVERMAN. He was not released, because there was not any amendment like this in the law. He would have been released if this amendment had been the law.

Mr. GALLINGER. The man was convicted and sentenced to 15 years.

Mr. OVERMAN. He was sentenced to 15 years; and the Attorney General says if you had put this amendment in the law he would have been acquitted.

Mr. FRANCE. Mr. President—

Mr. STERLING. I yield to the Senator from Maryland for a question.

Mr. GALLINGER. Will the Senator yield to me to make one further suggestion?

Mr. STERLING. I have already yielded to the Senator from Maryland.

Mr. FRANCE. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I was going to suggest to the Senator from North Carolina, inasmuch as the conviction was made under an existing law, what is the need of this law to meet cases of this kind?

Mr. OVERMAN. Because we are changing the existing law, and you are proposing to give these spies and bolsheviks a cloak which you do not give to any other American citizen.

Mr. GALLINGER. I am not talking about the amendment at all. I am talking about the law.

Mr. OVERMAN. I am talking about the law. I say, if you put this in the law—

Mr. GALLINGER. I say there is no need of a law at all in a case such as the Senator cites.

Mr. OVERMAN. The judge can not go on in other cases and convict and send to the penitentiary.

Mr. GALLINGER. But they did.

Mr. OVERMAN. Under another statute, but not under this sort of a law; and if the law had had this amendment the man would never have been convicted.

Mr. WALSH. Mr. President—

Mr. STERLING. I yield to the Senator from Montana.

Mr. WALSH. I should like to say to the Senator from New Hampshire the law is needed, because all judges would not take the same view of the law expressed by the judge whose opinion has just been read by the Senator from North Carolina. Many of the judges of the country have construed the law quite differently, and therefore we have been obliged to amend it.

Mr. GALLINGER. Then, answering the Senator from Montana, that might be true of the crime of murder, that all judges would not take the same view of a given case.

Mr. WALSH. That is quite true, and accordingly if the judge takes a view of a murder statute which allows some one to escape who ought to be punished, it, of course, becomes the duty of the legislative body to so amend the statute as that the judge will no longer be allowed to do it.

Mr. GALLINGER. Mr. President, I apprehend if we are going to legislate so as to make the judges act uniformly in criminal cases we will have a sorry job on our hands as legislators.

Mr. STERLING. Another illustration of what may be done under the plea of good motives arose in my own State of South Dakota. We have two strange religious sects in that State, one called the Mennonites and the other called the Hutterische Brethren. They are in a way allied to each other. Their doctrines are somewhat similar. Neither sect believes in military service, and they do everything possible to avoid it. Delegation after delegation representing these sects have visited me here in Washington. I have used argument, persuasion, and denunciation, all with a view to having them abandon their notions in regard to military service; a service which they should be willing to render the country which has protected them and by its protection enabled them to grow rich and prosperous, but all to no purpose.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. STERLING. I yield to the Senator.

Mr. NELSON. Does not the Senator think it is highly important that we protect these Socialists who affect to have these scruples about joining the Army? For instance, we had four Socialists at St. Paul who had religious scruples about enlistment. They quoted the Bible, and, of course, in quoting that they could not quote anything but the truth, and then they set out the utmost good motive in not being willing to serve. They were finally enrolled in spite of their truthful utterances and in spite of the fact that they had such good motives. They were finally forced into the Army. Then, when they got down into the training camp, they refused to put on the uniform and refused to drill, all with conscientious motives. Does not the Senator think it is very important that we should protect that kind of men and see that nothing happens to that class of people? Ought we not to enact such legislation to meet that class of people?

Mr. STERLING. I think it highly important in the very sense in which the Senator from Minnesota uses the expression. I have here a clipping—

Mr. GALLINGER. Will the Senator permit me?

Mr. STERLING. I yield to the Senator from New Hampshire.

Mr. GALLINGER. The Senator cites two religious organizations. Were they not exempted under the original law?

Mr. STERLING. They obtained relief under the original law from combatant service or service which requires them to bear arms, but they do not want to perform any service. In order that they might not avoid the performance of all military service, the Government assigns them to noncombatant service, although it may be in connection with the Army.

Mr. GALLINGER. I thought the exemption was complete. I understood that it did exempt the religious organization known as the Friends—Quakers.

Mr. STERLING. It did not exempt them in terms, but it exempted members of all religious organizations whose creeds were opposed to such service, as I remember the law.

Mr. GALLINGER. That is what puzzles me, that these men were troubling the Senator, because when I voted for that amendment I thought it exempted every religious organization that had conscientious scruples against war.

Mr. STERLING. They are exempted from combatant service, but they may perform military service which is termed non-combatant.

Mr. NELSON. Will the Senator permit me?

Mr. STERLING. I yield.

Mr. NELSON. The bill provides that "whoever shall willfully utter, print, or publish any disloyal, scurrilous, profane language about our form of government." For instance, a man utters profane or scurrilous language about our form of government. Under this proposed amendment he can come in and say "I am speaking the truth. This Government of the United States is not what it ought to be. It is a bad Government. It does not compare favorably with others. It is not such a Government as a Socialist or an anarchist or a Bolshevik ought to have. I am speaking the truth, and I do it with the best of motives, because it is a part of my gospel and my creed, and therefore I ought not to be amenable to the law." Does not the Senator think that we ought to protect those kind of people?

Mr. STERLING. The Senator will remember that the bill provides that the language used must be disloyal, that it must be abusive, that it must be scurrilous language.

Mr. WATSON. In the opinion of the Postmaster General.

Mr. STERLING. Oh, no; in the terms of the bill itself, not in the opinion of the Postmaster General. The Senator from Indiana refers to another provision of the bill, that giving the Postmaster General the power to intercept mail sent out by persons or concerns believed to be sending out disloyal and seditious matter. Let me read a clipping that I have here taken from the Sioux Falls (S. Dak.) Press. It relates to this question of motive and concerns one of the sects of which I spoke a moment ago:

KANSAS CITY, MO., April 21.

Charges of having attempted to bribe officers of Camp Funston to release 14 members of their religious sect, the Hutterische Brethren, are pending against—

Then follow the names of the individuals against whom the charges are pending. I will not give the names—

said to be bankers of Alexandria, S. Dak., who were arrested there Monday, according to an announcement by Fred Robertson, United States attorney for Kansas. The three were indicted by a Federal grand jury at Topeka, Kans., April 9.

One is accused of actual payment of \$120 to Lieut. C. C. Ray, and another of having written a letter to Lieut. W. P. Jones offering to pay \$1,000. The third is charged with having had knowledge of both transactions.

Hence the charge, and hence the indictment against these men. These men will insist, Mr. President, that they are justified in resorting to bribery even because of the end, the escape from military service to which their creed is opposed. It is to such extremes that this doctrine of motive, or good motive, leads in this class of cases.

Mr. President, when I look at a law, especially a penal statute, the question that naturally comes to my mind is whether or not the acts described ought to be forbidden. For example, ought a man to have the right, the United States being now at war, to willfully write, utter, print, or publish any disloyal, profane, scurrilous, or abusive language about the form of government of the United States or the Constitution of the United States? Ought he to be allowed to do those things now in time of war? If he should not, we ought to have a law against it, and that is what this law is.

Further, now in a time of peril, when we are drawing upon all the resources of the Nation, when we want to protect the morale of the men who constitute our fighting force, should one be allowed to use scurrilous, abusive, or contemptuous language against the military or naval forces of the United States or the flag of the United States or the uniform of the Army and Navy of the United States? Ought he to do it? If he ought not to do it, we ought to have a law to prevent.

So we may take the other provisions of the bill, that relating to "any utterance, writing, printing, publication, or language spoken which is meant to urge, incite, or advocate any curtailment of production in this country of anything or things, product or products, necessary or essential to the prosecution of a war in which the United States may be engaged. Ought a man to be permitted to go about the country, to the different munitions manufactories, and incite a curtailment of the production of those munitions necessary for our use in this war? If he should not be allowed to do it, then there should be a law against it. So I think, Mr. President, with every provision of this bill.

Mr. NELSON. May I ask the Senator another question?

Mr. STERLING. I yield to the Senator.

Mr. NELSON. Here is a man who speaks scurrilous or contemptuous language about the uniform of the Army or Navy of the United States. He may go on and argue that it is the truth, that that uniform does not compare with the German uniform; that it does not compare with the uniform of the Russians; that it is a very inferior uniform. He may be telling the truth. Then he comes in and says he is not only telling the truth but that it is very good motives; he wants the Government to get a different and a better uniform for the

Army of the United States, and it is a justifiable end. He says that is the end he is seeking; that he wants the Government to give the soldiers a better uniform. Does not the Senator think we ought to protect those kind of men by our legislation? Does he not think we ought to deal tenderly with that class of men?

Mr. STERLING. Notwithstanding the fact, Mr. President, that he may be speaking the truth, if he did it in an abusive, scurrilous, contemptuous way so as to bring the Army and Navy into disrepute, if that is the effect of the language, he ought to be punished.

Mr. President, I think Senators in opposing this amendment and in opposing striking out the amendment of the Senator from Maryland have fears in regard to the operation of the law which are quite groundless. No loyal, patriotic citizen need fear the operation of this law, because he will not utter abusive or scurrilous or contemptuous language about the form of our Government or the Army or Navy of the United States or indulge in any of the other things prohibited by the terms of the bill. No loyal, patriotic editor or publisher of a paper need fear the operations of the bill, because he, as a loyal, patriotic citizen, will not publish abusive, scurrilous, or contemptuous language in regard to the form of Government or the Constitution or the Army or the Navy of the United States.

No more, Mr. President, need such a man or such an editor fear the operation of this law than the average good moral citizen need fear the operation of a law against murder or arson or larceny or embezzlement or any other crime in the calendar of crimes, and that for the simple reason that the law, made necessary for the peace and good order of society, will not affect him. He will not violate the law, and the law is made only for the disloyal, the treasonable, and the seditious.

Mr. NELSON. Mr. President—

Mr. STERLING. I yield to the Senator.

Mr. NELSON. The Senator has noticed that there have been in this country frequent manifestations of mob law among the people.

Mr. STERLING. Certainly.

Mr. NELSON. We had a noted case in Illinois the other day of a poor German miner. Now, such mob violence and breach of the peace comes from such unpatriotic and disloyal and scurrilous language. Do we not need this legislation not only for the purpose of suppressing disloyalty but for the purpose of preserving peace and order in this country and to avoid having any lynching? The other day when we had this question up about the aeroplanes there was talk about mob law and lynch law. If there is to be any mob law or lynch law in this country, I pray to God it will be diverted into the channel of the aeroplane board and the men who manipulated that scheme. They are more deserving of mob law than this poor German miner in Illinois.

But I am opposed to mob law, and for our own protection, to maintain peace and order in our country, and to avoid a breach of the peace we need this legislation. We need it for our own protection as much as we need it to repress disloyalty in this country.

Mr. STERLING. I think the Senator is absolutely correct in his statement and conclusions. Treason against the United States is defined as levying war against the United States or adhering to their enemies, giving them aid and comfort, and beyond and outside the constitutional provision in regard to treason and the statutes enacted in pursuance of the constitutional provision come these acts, seditious and disloyal, which can not be prosecuted under a charge of treason because they fall just a little short of treason. And yet they do all the injury which treason itself would do. The loyal people realize this and grow impatient because there is no adequate law. There has come a demand from my own State, from every part of my State, that some such law as this shall be passed to make seditious and disloyal utterances impossible.

Mr. LODGE. Mr. President—

Mr. STERLING. I yield to the Senator.

Mr. LODGE. What I was going to ask the Senator's permission to interrupt him about was in regard to the matter of lynching. I like to see the Senator's confidence in the language of the statute book. We pile up laws, and we do not enforce them. We do not enforce them against people who most need their enforcement.

The other day it was stated in the newspapers—I have nothing but the newspaper account of it—that a man had enlisted in our Army, had deserted because he was suspected of giving information, had enlisted again, had deserted again, and was found to have plans on his person, and in short to be a spy within the military meaning of the word. According to the newspaper account, he twice deserted from the Army, and he

was a German, and he has been interned. Now, that is what brings on the lynchings. There was abundant law to punish that man, and he should have been punished. If the facts as I have stated them are correct, there has been abundant law, and he was interned.

Mr. STERLING. But the type or class of cases probably to which the Senator from Massachusetts has alluded—

Mr. LODGE. He was within the military zone.

Mr. STERLING. He was interned when, of course, he ought to have been prosecuted as a spy.

Mr. LODGE. Absolutely; and tried by court-martial.

Mr. STERLING. And hung or shot as the result of his activities.

Mr. LODGE. That is what brings about lynching.

Mr. KING. Mr. President—

Mr. STERLING. I yield to the Senator from Utah.

Mr. KING. In view of the statement just made by the Senator from Massachusetts, I want to state that I have made some inquiry for the purpose of ascertaining whether the reports to which the Senator has referred are false or true. Up to this hour I have not been satisfied that such reports are accurate. If they prove to be true then unquestionably the man was a spy and he ought to be dealt with according to the accepted rule of dealing with spies in time of war.

I feel sure that the War Department will take the necessary steps to punish the person referred to as a spy, if the proof warrants such course. Certainly if it falls in its duty the Senate will by resolution or otherwise see that appropriate action is taken. However, we are not in possession of any facts to justify condemnation of the reported action of the officials of the War Department.

Mr. LODGE. That will not punish him. When you get the laws which are in existence rigidly enforced by an effective prosecution you will accomplish more than by all the laws you may pile on the statute books.

Mr. STERLING. But, Mr. President, here is a class of cases that has been brought to my attention again and again. Some have arisen in my State. There are men who are at heart disloyal, who make certain utterances in derision of the Red Cross work, of subscriptions to the liberty loan, of the cause for which we are fighting, and so forth; they are absolutely disloyal. Now, in an otherwise thoroughly loyal community, what is the disposition with regard to characters of that kind? Seeing that there is no law on the statute books to punish these seditious and disloyal utterances, citizens are tempted, in order that the community may be rid of an evil of that kind, to take the law into their own hands.

Mr. LODGE. Mr. President—

Mr. STERLING. I yield to the Senator from Massachusetts.

Mr. LODGE. That is just the point I want to make. It is not the laws on the statute books—

Mr. STERLING. It is the absence of such laws.

Mr. LODGE. If the Senator will allow me, the fact that there is a law on the statute books is not what prevents lynching. What prevents lynching is the public confidence that the law on the statute books will be enforced. If the law is not enforced, people lose all faith in the courts; they lose all faith in the prosecuting officers, and they take the law into their own hands. This, however, is all part of the general idea that seems to run through this war that we can fight it with language.

Mr. KING. Will the Senator from South Dakota yield to me for just a moment?

Mr. STERLING. I yield to the Senator.

Mr. KING. I desire to say to the Senator from Massachusetts [Mr. Lodge] that in my opinion the Attorney General has been doing all within his power to enforce existing statutes. I know that he has been keenly alive to the situation and has invoked the criminal statutes and all the machinery at his command to deal with disloyalists and those who have violated Federal statutes. Perhaps in some of the States the district attorneys, either through inexperience in dealing with this class of cases or because of their belief that the law was inadequate—and my own opinion is that in many instances it has been inadequate—to deal with existing conditions, have failed to effectively deal with all cases brought to their attention. I am satisfied, as a result of an exhaustive examination of the activities of the I. W. W. and other disloyal organizations and persons, and existing laws under which efforts to reach these organizations and individuals, that additional statutes are needed. Unfortunately there are some enemies in our midst. They work in secret and in every possible way to oppose our Government and to cripple it in the prosecution of the war. The conditions existing call for legislation to supplement present criminal statutes. This legislation, in my opinion, goes a long way toward meeting the situation. It is not perfect, and does not meet my

views in all respects, but it will prove effective and be a necessary and powerful weapon in the hands of the Government to enable it to prosecute individuals who are spreading sedition and trying to undermine the faith of the people in the integrity of our Nation and aid our enemies in this mighty conflict.

Mr. GALLINGER. Will the Senator from South Dakota yield to me for a moment?

Mr. STERLING. I yield to the Senator.

Mr. GALLINGER. The Senator has just stated that in his own State there are men uttering seditious words and committing crimes against the Government along that line. The Senator from North Carolina [Mr. OVERMAN] undertook to illustrate his position and the necessity for the passage of this bill by citing a case in the State of Vermont, where a preacher made seditious utterances from his pulpit; but the laws of the State of Vermont took care of him, and a judge in the State of Vermont took care of him, and he went to prison for at least 15 years—I am not sure whether it was 15 or 20 years. Why can not the officials of the State of South Dakota take care of such men if they are uttering seditious language?

Mr. STERLING. I think we can take care of them in my State in time, but I understand there is no such law on the statute books now. They can enact a statute that would meet, to a great extent, this class of cases. It seems to me, however, since the offense is primarily against the Federal Government—although a State itself might punish one uttering such language as having committed a crime against the State—it is highly appropriate that the Federal Government itself should enact a law for that purpose.

Mr. GALLINGER. But, Mr. President, I feel quite sure that the Vermont prosecution was under a Federal statute.

Mr. STERLING. Yes.

Mr. GALLINGER. It was under an existing Federal statute, and a conviction was reached.

Mr. STERLING. Some two or three States have enacted laws in terms very similar, I understand, to this proposed law. Montana is one such State, and I think Idaho is another. I have heard of one other, but I do not now recall the State.

Mr. SHERMAN. Mr. President—

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Does the Senator from South Dakota yield to the Senator from Illinois?

Mr. STERLING. I do.

Mr. SHERMAN. Supplemental to what the Senator from Massachusetts [Mr. LODGE] and the Senator from Utah [Mr. KING] have said, I wish to make an inquiry of the Senator from South Dakota [Mr. STERLING] in regard to this matter. It will interest the Senator from Utah, I know, because he is in charge of the bill to forfeit the charter of the German-American Alliance. I call attention to an article appearing in the Post-Dispatch, of St. Louis, of date April 13, 1918, in which Charles H. Weinsberg, president of Missouri branch of the German-American Alliance, submits to an interview. He is quite loyal and bought a \$1,000 liberty bond; but, in my judgment, Postmaster General Burleson ought to have excluded the whole issue of the Post-Dispatch containing that article from the mails of the United States. It is an article that preaches sedition; it is an article that predicts that the Hindenburg drive will break through the lines and go through to the coast, that the allied line will be broken, that Italy will be destroyed by the legions of Germany, and that this country will make the best peace it can, because Germany will have conquered all Europe, and we must get out of it the best way we can; that we are not in it in earnest anyway, except possibly to make as good a showing as we can, but that we shall make peace. This whole article is most seditious, and Mr. Burleson never saw it, and we never heard a word from him.

Mr. LODGE. What are the politics of the paper?

Mr. SHERMAN. It is independent, with Democratic proclivities.

Mr. LODGE. And has a large circulation?

Mr. SHERMAN. And has a large circulation in St. Louis and vicinity.

Mr. LODGE. That is not the sort of sedition they are after.

Mr. KING. Will the Senator from South Dakota yield to me?

Mr. SHERMAN. The face is almost seditious, Mr. President, if it could be transferred into the record.

Mr. GALLINGER. It is suspicious, to say the least.

Mr. SHERMAN. It has a pan-Germanic look.

Mr. KING. I do not think the Senator from Massachusetts intended his last remark other than as playfully humorous, because, certainly, with the effort that has been made in good faith by the Post Office Department to exclude from the mails treasonable and disloyal publications, it can not be charged that it has failed in its duty. Indeed, if we are to believe the

eminent Senator from Illinois [Mr. SHERMAN], the Senator from Idaho [Mr. BOBAH], the Senator from California [Mr. JOHNSON], the activities of the Post Office Department in its denial of the privileges of the mails to publications have been too rigorous; another criticism has been made by some that the Post Office Department has excluded from the mails publications with which no fault could be found. I know that the greatest caution is exercised by Judge Lamar and the legal advisers of the Postmaster General in Washington as to what shall be excluded from the mails. There can be no legitimate criticism of their actions. Frequently their decisions have been reviewed by the courts; but, as I am informed, the courts have uniformly supported them.

The Postmaster General acts only upon legal advice in excluding from the mails publications, literature, fraud orders, letters, and other objectionable matter, which the law clearly points out. His action is subject to review by the court; and under this bill no different power is conferred upon him than that granted in statutes enacted in years gone by. It would seem that if the newspaper to which the Senator alludes contains the statements referred to, that it ought to have been excluded from the mails. If it is only an interview appearing in a loyal American paper, a different question would arise. But even then the wisdom of publishing such an interview could be seriously questioned. I am informed that Dr. Weinsberg has been prosecuted for this interview. If he entertains and publishes the sentiments credited to him, he should be prosecuted and sent to the penitentiary. I have no doubt but what this newspaper, or any other newspaper, if they publish seditious matter, or anything which brings them within the condemnation of the statute, will be dealt with effectively by the Postmaster General as soon as his attention is called to them.

Mr. SHERMAN. Mr. President, the paper is owned by the same estate, by the same person, as the New York World; it is Mr. Pulitzer's paper, the St. Louis end of it. I am astonished that a paper of that prominence and with a managerial staff of that kind would permit an article of that character to appear. It directly tends to discourage enlistments and to cast doubts upon the justice of our cause by the soldiers that are now in the service. I can not think of a more damaging article that could appear in a camp than an article of that kind.

Mr. KING. Mr. President, I entirely agree with my distinguished friend from Illinois [Mr. SHERMAN] as to the character of this article or interview. I think he and I agree as to the causes which have brought our country into this world conflict, and we agree that we must prosecute this war until Prussian autocracy is brought to its knees. This world of ours, big as it is, is not big enough for American democracy and Prussian autocracy. This war will continue until Prussian autocracy is destroyed. Our Nation is not safe until Prussian militarism is crushed. There can be no peace in the world until the mad ambitions of Germany are destroyed and until she and her people return to reason and submit to the laws of justice and righteousness. Our course is clear. There is only one path to follow, and that we must and will follow to the end, no matter the cost in blood and treasure. All that we have and all that we are we freely dedicate to the cause of liberty and justice. We will never lay down our arms until Germany is defeated and the cause which we represent is triumphant and our country's liberties made secure.

Mr. SHERMAN. Mr. President, if I may trespass further on the good nature of the Senator from South Dakota, when a publication of that character escapes attention, although the vigilant scrutiny of the department gets the smallest and most inconsequential papers that falls under its ban, it creates in my mind a doubt about the wisdom of a law that will permit such a wide stretch of discretion as is contained in certain features of this bill.

Mr. KING. Mr. President, will the Senator from South Dakota permit me a word more?

Mr. STERLING. I yield to the Senator.

Mr. KING. The Senator from Illinois will remember that in the United States to-day there are between 1,500 and 1,600 foreign-language newspapers. In addition, there are hundreds of papers published in the English language. It is impossible, with the limited resources at the command of the Postmaster General, to scrutinize with that care that perhaps the situation demands every issue of every paper as soon as it is deposited in the mails. The Senator will remember that in St. Louis there are a large number of newspapers. The Postmaster General is not there, and obviously there must be devolved upon subordinates the work of examination.

The Senator, therefore, must expect that now and then, indeed frequently, newspapers that ought to be excluded will get into the mails, one issue or perhaps two or three issues.

The Senator, I think, ought to credit to the Post Office Department a desire to do their duty; certainly this should be done until the contrary appears. It is quite likely, as stated, that some issues have been admitted to the mails that should have been excluded. It is better, perhaps, to err in this direction than to be too severe and to exclude publications wrongfully. It is a fact that at the present time very few complaints have been made that exclusions have been made that were improper, and very few complaints have been made, to my knowledge, that papers have been permitted to circulate that ought to have been excluded. I should like to ask the Senator does he know that this paper has not been excluded from the mails?

Mr. SHERMAN. No; it has not been; the daily issues of it are still coming to Washington. I agree with all that the Senator has said, practically; but the Metropolitan Magazine, with which I have no sympathy whatever, because it is largely socialistic, and I have no sympathy with the tenor of its general course, although its circulation is comparatively small, and its influence compared with this newspaper is insignificant, was held up for some time, a whole issue at one time was suspended, as the Senator will remember.

It is not on many features of the pending conference report that I have criticism. As to those matters which relate to the uniform, to the flag, to the Army and the Navy, to the military and naval forces of the United States, to the form of government, and the Constitution of the United States I have no scruples whatever; I would protect them. The provisions of the bill about which I have scruples are those concerning which I have inquired of the Senator from South Dakota, which inquiries he has very candidly, as I think, and conscientiously, displaying his usual acumen, answered so that the purpose of my inquiries has been served, and he has enlightened me as to many things. But I wish to inquire further if the Senator from Utah will, with all due expedition, push his bill for the revocation of the charter of this concern? What I particularly object to is that the editor or the person who passes upon the admission of printed matter into the columns of the paper, knowing that Weinsberg was the president of the Missouri branch of the German-American Alliance, which I regard as a treasonable body in the United States, would permit a thing like that to happen and then be permitted to escape scot-free.

Mr. KING. Mr. President, will the Senator from South Dakota yield further?

Mr. STERLING. I yield.

Mr. KING. As to the inquiry of the Senator from Illinois, I am glad to state that the Judiciary Committee has reported favorably the bill for the revocation of the charter of the German-American National Alliance, and at the earliest possible moment I shall ask the attention of the Senate to the consideration of that bill, with a view to having it passed.

If I may trespass further upon the time of my friend from South Dakota, I should like to say, in connection with the observations just made by the Senator from Illinois, that in a number of States since the German-American Alliance voluntarily attempted to suspend—and of course Senators will realize that it can not do that, because it exists in virtue of a congressional charter, and a mere voluntary meeting of some of the members and agreeing to dissolve would not effectuate a dissolution of the organization; that could only be done by legislative declaration, or possibly by judicial decree, although I doubt that it could be thus dissolved—some of the subordinate organizations, State organizations, and some of the local organizations, have determined to continue their activities. In some few instances, I am told, local societies have changed their names with the idea of proceeding along the same lines under some other name.

In Pennsylvania the name of one of the local organizations was changed to some historical association or an association for the purpose of studying the relation of nations to each other. It would seem that there are a number of members of the parent or affiliated organizations who are determined to preserve the spirit of the old organization under a different form and a different name. I sincerely hope that the States and the loyal Americans of German birth and ancestry will see to it that no organization shall be permitted for the purpose of spreading Pan Germanism or waging a propaganda for the destruction of this Nation and the superimposition upon this country and the world of the policies, the tyranny, and the military despotism which find expression in the rule of the present German Kaiser. The German-American National Alliance should be dissolved. Its work in our Nation was destructive and disintegrating. It stood not for America and American ideals, but represented rather the spirit and kultur of modern Germany.

Mr. STERLING. Mr. President, if I may be allowed to proceed, I sympathize quite thoroughly with the sentiment expressed, and implied, too, in the statement of the Senator from

Illinois [Mr. SHERMAN], and also with what has been said by the Senator from Utah [Mr. KING]. I have the honor of being a member of the subcommittee of the Judiciary Committee which has had under investigation the German-American National Alliance. You have but to take the charter and read the glowing purposes for which that association was organized under the terms of the charter, and then compare that with their deeds and their influence, to be convinced that it is an instrument of activities wholly prejudicial to our Government and to our institutions. Not one dollar has ever been spent in the furtherance of any one of the purposes set forth in the charter; that, I think, clearly appears from the testimony; but thousands, running into hundreds of thousands, of dollars have been collected for purposes wholly foreign to the interests of this country, and in many instances adverse to the interests of this country.

Just a word in conclusion, Mr. President. I simply rose in the first place to discuss the first section of this conference report and the connection of the first section with the amendment offered by the Senator from Maryland [Mr. FRANCE]. I think perhaps the portion of the bill relating to the power of the Postmaster General over the mails has been already sufficiently discussed, and I shall not say anything further with regard to that; but, as I said a while ago, these offenses fall short of treason; they are just outside the line; a man guilty of them may not be prosecuted for levying war against the United States or adhering to their enemies and giving them aid and comfort, and yet they are highly prejudicial to the public welfare; as I said a while ago, they are in many instances as much so as overt acts of treason themselves.

The only question is, Shall such acts be permitted? I ask Senators to read the bill and ask themselves whether or not they ought to be permitted. If not, and that is the answer to the inquiry, then we should have the law in about the terms of the bill as it is here written to punish and prevent them.

Mr. President, the great value of the act will probably not lie so much in actual prosecutions under it, although there may be now and then a case, but it will be in the great deterrent effect it will have in preventing the commission of these offenses, thus bringing the Government of the United States in time of war or the Constitution of the United States or the Army and Navy of the United States into disrepute, when, indeed, we should be in our full vigor, with the morale and the physical and, I may say, mental strength of the Army at the maximum rather than to have either injured in any way whatever by utterances and publications such as this bill would prohibit.

Mr. FRANCE. Mr. President, I do not wish to prolong the debate upon this conference report, but I desire to make a very brief statement with reference to it, in order that the RECORD may very clearly show the exact status of this report and the brief history of it since the 9th day of April, when I offered an amendment to this bill, which is now before us as the conference report.

On the 9th day of April, realizing that this was a most drastic measure—far more drastic, as has been shown by the Senator from Missouri [Mr. REED] during the course of the debate, than the old sedition law—realizing that this was a far more drastic measure than that, I desired to see incorporated in the bill language which in a definite and specific way would assure the people of the country that this legislation was not intended to deprive them of those rights which are clearly guaranteed to them under the first amendment to the Constitution. Upon the 9th of April the Senate, after a sufficient discussion, for a prolonged discussion was unnecessary, rejected the amendment under discussion by a vote of 31 to 33. On the following day, however, after the Senate had been given an opportunity to consider the matter further, this amendment, numbered 6, was adopted by the Senate without a dissenting vote. The debate prior to its adoption was very brief, but during the course of that debate—if I may call the very brief discussion of this amendment a debate—the Senator from Montana [Mr. WALSH] said:

Mr. President, before the vote is taken I think it quite appropriate to say that the language of this amendment is substantially in accord with the provision of the constitutions of many States defining the liberty of speech and of the press. Similar provisions are found in the constitutions of Florida, Kansas, Nevada, South Dakota, West Virginia, Wyoming, Arkansas, California, Illinois, Michigan, Mississippi, New Jersey, New York, Ohio, Oklahoma, South Dakota, Utah, Wisconsin, and Wyoming. It is a principle of the American Constitution that is very generally recognized. I think it is very unfortunate that the Senate should have rejected the amendment as originally proposed.

The bill as amended was sent to a conference committee.

Mr. KING. Mr. President, will the Senator yield?

Mr. FRANCE. Certainly.

Mr. KING. The Senator from Montana [Mr. WALSH] is not in the Chamber. With the permission of the Senator from Maryland, I should like to say, and I think it is only fair to the

Senator from Montana to say, that the Senator from Montana a day or two ago analyzed the provisions of this bill, having in mind the amendment tendered by the Senator from Maryland, and reached the conclusion that that amendment had no application to the provisions of this bill, and after mature consideration he reached the conclusion that it ought not to be a part of this measure.

Mr. FRANCE. I thank the Senator, and in reply I will say that I have no desire to place the Senator from Montana in a false light, and that I had intended to advert to that fact a little later in my very brief remarks.

The bill as amended was sent to the conference committee. Now, it is to be remembered that this bill as it came from the House of Representatives was a much more moderate bill than it was after it had been amended and after it had passed the Senate. In other words, no man reading this bill as it passed the House and comparing the bill as it passed the House with the bill as it passed the Senate could come to any other conclusion than that when this bill was sent to conference the House of Representatives, through its conferees, would naturally insist upon the elimination of some of the more drastic amendments which had been added in the Senate. It was to be presumed that upon a measure of this importance there would be a prolonged conference and that the conferees of the House would insist upon the elimination of some of the amendments added in the Senate. But what happened? Not only did the conferees appointed on the part of the House not insist upon the elimination of some of the drastic amendments added in the Senate, but apparently they insisted upon the elimination of the only moderating amendment which had been added in the Senate.

I wish the Record to show that the Senate rejected this amendment; that it then unanimously adopted it; and then, through its conferees, it receded from the amendment, and that now the Senate is about to adopt the conference report with this amendment omitted from it.

The Senator from Montana did say, on the 2d day of May, that he would not vote against this conference report, and he gave his reasons, among which was the reason which has been advanced by a number of others, that this amendment was not at all material to the bill; that it did not affect the bill one way or the other, an opinion, however, which is quite contrary to the opinion of the Department of Justice, and the opinion which was the controlling factor, without doubt, which led to the elimination of this amendment from the bill.

I think it would be very unfortunate, after the adoption of this amendment, whether it was material in the first place or not, if the Senate should now go on record as being against preserving the right of the American people to "speak what is true, with good motives and for justifiable ends." Not only would it be unfortunate if the Senate should be placed in such a position, but I think the effect of such action would be most unfortunate so far as the prosecution of the war is concerned; and in giving my reasons for that I desire to quote what was quoted on April 19 of last year by the distinguished Senator from Idaho [Mr. BORAH] in a masterly address on this subject on the freedom of speech and the freedom of the press. I desire to quote it, because I think it is pertinent in this connection, for it indicates very clearly one reason why I feel that the adoption of this conference report with this amendment eliminated would be most unfortunate as far as the prosecution of the war is concerned:

Sir James McIntosh, in the Peltier case, observed as follows:

"To inform the public on the conduct of those who administer public affairs requires courage and conscious security. It is always an invidious and obnoxious office, but it is often the most necessary of all public duties. If it is not done boldly, it can not be done effectually, and it is not from writers trembling under the uplifted scourge that we are to hope for it."

There seems to be a very great misunderstanding on the part of some of the learned Senators, particularly those learned in the law, as to the meaning of this amendment. They have insisted on discussing the subject of motive apart from the subject of the truth, which, of course, results in a failure to grasp the meaning of this amendment, which, to be properly understood must be taken as a whole. In order that there may be no misunderstanding as to the meaning of this amendment, I desire to quote this language of Chief Justice Story, language which he uses with reference to the first amendment of the Constitution, which explains clearly this amendment, and, indeed, you will note that the language of my amendment was borrowed from this statement of the Chief Justice:

It is plain, then, that the language of this amendment imports no more than that every man shall have a right to speak, write, and print his opinions upon any subject whatsoever, without any prior restraint, so always that he does not injure any other person in his rights, person, property, or reputation; and so always that he does not thereby disturb the public peace, or attempt to subvert the Government. It is

neither more nor less than an expansion of the great doctrine recently brought into operation in the law of libel, that every man shall be at liberty to publish what is true, with good motives, and for justifiable ends. And with this reasonable limitation it is not only right in itself, but it is an inestimable privilege in a free government. Without such a limitation it might become the scourge of the Republic, first denouncing the principles of liberty, and then, by rendering the most virtuous patriots odious through the terrors of the press, introducing despotism in its worst form.

Referring, of course, to the freedom-of-speech section of the first amendment to the Constitution.

He goes on to say:

A little attention to the history of other countries in other ages will teach us the vast importance of this right. It is notorious that even to this day in some foreign countries it is a crime to speak on any subject, religious, philosophical, or political, what is contrary to the received opinions of the Government or the institutions of the country, however laudable may be the design and however virtuous may be the motive.

Mr. President, I had not expected to occupy even this much time, but I desire to say just this word further:

We have fallen into the habit of using this sort of logic in the Congress: "We are at war. We all wish to win the war. This measure will help win the war. Therefore we must adopt this measure"; and the corollary: That any man who is not in favor of this measure is against winning the war.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Utah?

Mr. FRANCE. Certainly.

Mr. KING. The Senator has just quoted from Judge Story with respect to the freedom of the press and the freedom of speech. Would it be displeasing to the Senator for me at this point to call his attention to another statement of Judge Story in the second volume of his work on constitutional law?

Mr. FRANCE. Not at all. I shall be pleased to have it added to the Record.

Mr. KING. Judge Story uses this language:

There is a good deal of loose reasoning on the subject of the liberty of the press as if its inviolability were constitutionally such that, like the King of England, it could do no wrong and was free from every inquiry and afforded a perfect sanctuary for every abuse; that, in short, it implied a despotic sovereignty to do every sort of wrong without the slightest accountability to private or public justice. Such a notion is too extravagant to be held by any sound constitutional lawyer—

And, I may say in parenthesis, by any good, loyal American citizen.

Such a notion is too extravagant to be held by any sound constitutional lawyer with regard to the rights and duties belonging to governments generally or to the State governments in particular. If it were admitted to be correct, it might be justly affirmed that the liberty of the press was incompatible with the permanent existence of any free government. . . . In short, is it contended that the liberty of the press is so much more valuable than all other rights in society that the public safety—nay, the existence of the Government itself—is to yield to it? It would be difficult to answer these questions in favor of the liberty of the press without at the same time declaring that such a license belonged, and could only belong, to a despotism, and was utterly incompatible with the principles of a free government.

I thank the Senator for permitting me to put that into the Record.

Mr. FRANCE. I thank the Senator from Utah; and I will say in reply that I am familiar with that language, which is merely an extension of what I read. I should have been very glad to have read the more extended quotation, but it was not necessary for my purpose. That was the position occupied by the Chief Justice; and, taking that very position, he also took the position that this right must be preserved—the right of every citizen to "publish or speak what is true, from good motives and for justifiable ends." That is what the Chief Justice insisted upon in connection with the very language quoted by the Senator from Utah.

I shall not go into the subject of the constitutionality of this measure.

Mr. WALSH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Montana?

Mr. FRANCE. With pleasure.

Mr. WALSH. Inasmuch as the Senator from Maryland is the author of this clause that has been so much discussed, I should like to ask him if he will kindly give the Senate a concrete case in which one who is entitled to do so would be embarrassed in making a just defense with this language not in the act.

Mr. FRANCE. It would give me pleasure to do so. I do not care, however, to do so with any degree of explicitness, for reasons which I need not go into now. I will say, however, that if an editorial which was read the other day from the New York Times—which to my mind clearly indicated possible misconduct on the part of certain officials of this Government, and which closed with the statement to the effect that if these

suspicious were justified these men should be dealt with criminally—if that editorial had gone further, and had mentioned the names of these gentlemen, I do not believe that the writer of it could have claimed exemption from the operation of this law, if under this proposed law he had been subjected to prosecution.

Mr. WALSH. If that is the instance the Senator has in mind, I should like to inquire of him under what particular provision of this bill the editor of the New York Times stands in any peril?

Mr. FRANCE. I did not care to go into this subject any more fully, because specific instances—

Mr. WALSH. Of course, these are very practical questions that we are dealing with.

Mr. FRANCE. This is a very practical question; but the Senator is well aware that I do not care to bring to the bar of the Senate any paper or any official at this time; and, for that reason, it is unfair for me to enter into any extended discussion of any particular case. The Senator from Montana will realize the justice of that.

Mr. WALSH. The Senator referred to the editorial appearing in the New York Times—

Mr. FRANCE. Yes.

Mr. WALSH. A very proper criticism. It seems to me, of some of the officers of the Government connected with the prosecution of the war; but, as I asked a moment ago, under what provision of the bill does the editor of that paper stand in any peril?

Mr. FRANCE. I will read the language to the Senator, eliminating what is not relevant:

Whoever . . . shall . . . publish . . . abusive language about the . . . military . . . forces of the United States.

It seems to me that it is somewhat abusive, to say the least, to indicate that certain members of the military forces—if that is a fair interpretation of the editorial—should be subjected to criminal prosecution for their acts.

Mr. WALSH. Why, Mr. President, that idea could be expressed in the most refined and unexceptionable language. There is no fault to be found with the language in which it is charged.

Mr. FRANCE. I am not saying that in my judgment there has been any abusive language.

Mr. WALSH. I was going to say, if it were abusive, it would not be permitted to be read here in the Senate. There was nothing abusive about the language, however severe it may have been.

Mr. FRANCE. I have the very highest regard for the legal opinion of the Senator from Montana and I had not expected to occupy so much time. I realize that opinions may well differ with reference to particular phraseology. I was about to say that I do not care to go into any constitutional discussion of this subject. I think it is very clear, however, that under the Constitution of the United States the States did not delegate to the Federal Government the right to pass laws limiting the freedom of speech and the freedom of the press. Upon this both Hamilton and Jefferson, who rarely agreed, were in complete agreement.

At a time like this, Mr. President, we are in grave danger of forgetting that we are not a sovereign Senate. We are a Senate representing sovereign States and those States are nothing but the creation of a sovereign people. Such legislation as this, to my mind, can only be possible when that great truth has been forgotten. Our sovereigns lie out yonder, and it is their sovereign will, as voiced by them, which we must express in legislation, by such legislation giving direction to executive action. Neither the legislative nor the executive departments of this Government are sovereign, but the sovereigns whose will we are here expressing in legislation are the people of the United States.

I hesitate to pass any legislation by which we would place a rough hand upon that sovereign people and say to them, "Be still. This is the Senate's war; this is the Executive's war. This is a Washington war." Senators, what a fallacy! This proposed legislation arises from a total misconception of the very nature of modern war, a misconception which in my opinion has been responsible for many of the mistakes which have been made.

War is no longer a matter of armies, it is a matter of whole nations, and we can not win this war with one, two, three, or four million men in France. We can only win it by calling into the combat all the great resources of the American people. We can only win it by a great organized and united Nation. I am opposed to this legislation, because I believe it makes not for unity but for disorganization and for disintegration.

I wish to refer briefly to the history of the old sedition law of 1798 and to quote the words of Hamilton, which completely express my views upon the pending legislation. Hamilton no sooner saw the sedition law which had been introduced into Congress than he wrote:

Let us not establish tyranny. Energy is a very different thing from violence. If we make no false step, we shall be essentially united, but if we push things to extremes we shall then give to faction body and solidity.

Mr. President, I shall not take the time of the Senate to trace all of the disintegrating influences which followed the enactment of the old alien and sedition law; to tell you how it then almost resulted in the dissolution of the Republic and how, because of the enactment of that law, there was born that doctrine of nullification and secession which so many years later almost destroyed the Union. It was the opposition of Thomas Jefferson to that law which led to the first sowing of the seeds of the pernicious doctrine that the States could nullify the action of the Federal Government. It is important, however, to remember that the old sedition law was much less drastic than the law which we are now enacting for Bayard in the House of Representatives proposed an amendment, which was adopted, allowing the truth to be offered in evidence. My dear friend, the Senator from Minnesota [Mr. NELSON], for whose motives I have the highest regard, one of the men who did not hesitate to offer his breast to the enemy when the perpetuity of the Union was threatened, has said that the evil of sedition exists and that we must find a remedy.

Physicians know that there is a remedy for every ill, but they must constantly decide the problem as to whether the application of that remedy will improve the condition of the patient, or whether the remedy will be worse than the disease. This proposed remedy, I believe, Mr. President, would do harm, for it is intended to eliminate certain evils, while it would indeed extirpate, at the same time, the necessary function of free discussion by word of mouth and by the press, which is so indispensable at this time.

In this connection I desire to read a statement of Franklin:

Freedom of speech is a principal pillar of a free government; when this support is taken away, the constitution of a free society is dissolved and tyranny is erected on its ruins. Republics and limited monarchies derive their strength and vigor from a popular examination into the action of the magistrates; this privilege in all ages has been and always will be abused. The best of men could not escape the censure and envy of the times they lived in. Yet this evil is not so great as it might appear at first sight. A magistrate who sincerely aims at the good of society will always have the inclinations of a great majority on his side, and an impartial posterity will not fail to render him justice. Those abuses of the freedom of speech are the excesses of liberty. They ought to be repressed—

This is the point—these abuses ought to be repressed—

but to whom dare we commit the care of doing it? An evil magistrate, entrusted with power to punish for words, would be armed with a weapon the most destructive and terrible. Under pretense of pruning off the exuberant branches he would be apt to destroy the tree. (Franklin, Works by Sparks, Vol. II, p. 285.)

Mr. President, on my files dealing with this subject I have a valued quotation from the Senator from Colorado [Mr. THOMAS], for whose opinion I entertain a very high regard. He said on April 18 of last year:

It is only in time of war that these great constitutional limitations upon despotism are put to the test. It is precisely then that they are useful. They have no particular moment in times of quiet, when the minds of men are diverted to the pursuits of peace, when prosperity and happiness smile over the land. It is only on occasions like this when they become effective and their value is priceless. Consequently it is at such times that we must see to it that they are preserved, lest when peace does return we shall realize that some of the most important safeguards of liberty have been swept away in the torrent of the conflict.

Mr. President, I think the issue is clear. I think it is perfectly clear that he who votes for this measure as altered at the behest and under the direction, as it seems to me, of Mr. John Lord O'Brien, of the Department of Justice, every man who votes for this conference report, in my judgment, votes for it because he has come to the conclusion, after careful deliberation, that at this time of national peril it is not safe to allow the American people to "speak what is true from good motives and for justifiable ends." I do not set my judgment against theirs, but I do desire to say for myself that I do not think that the voice of the people, of the sovereign people of this Republic, should be silenced at this time when the winning of the war depends not upon Congress, not upon the Executive, not upon Washington, but upon the masses of the sovereign people all over the Republic. I am thankful that I do not entertain such an opinion of that sovereign people that I dare in this hour to cast my vote to deprive them of that inalienable right to "speak the truth from good motives and for justifiable ends."

If the great party of Thomas Jefferson desires to place itself upon record as denying the people their inalienable right to

speaking "what is true for good motives and for justifiable ends," then they will adopt this conference report.

Mr. OVERMAN. Mr. President, every Senator who votes against this conference report can have the satisfaction of knowing that he has voted for an amendment that will throw a cloak of protection around every spy in this country and every traitor and every Bolshevik and every I. W. W. that is denied to a loyal American citizen.

Mr. WADSWORTH. Mr. President, does the Senator really want to go upon record in that way?

Mr. OVERMAN. What does the Senator mean by that?

Mr. WADSWORTH. I do not need to enlarge upon it. I presume the Senator does not desire to be understood, as he said to the Senate, that every man who votes against the conference report might go to his constituents and say he is proud that he has thrown a cloak of protection around German spies. I will say to the Senator in all friendliness—

Mr. OVERMAN. I will strike out the word "proud," as I mean no disrespect to any Senator or intent to impeach in any way his patriotism. I say any Senator who votes for that will be heard to admit that he has voted for an amendment to a criminal statute that does not appear in any other criminal statute in the world and which gives the defense to a disloyal citizen that we heretofore in all our criminal statutes have never given to a loyal citizen. Does anyone deny that? Is not that the truth?

Mr. FRANCE and Mr. GALLINGER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from North Carolina yield; and if so, to whom?

Mr. OVERMAN. I yield to the Senator from Maryland.

Mr. FRANCE. There is no Senator on the floor whose purposes at this time more nearly coincide with mine than the Senator from North Carolina. We are looking at this thing merely from different angles.

Mr. OVERMAN. I am not criticizing any Senator's loyalty, or that any Senator has not as much loyalty as I have myself. I credit that to every Senator on this floor, but I ask the Senator if there is any criminal statute in the world that has ever been enacted containing such an amendment as this? Can he cite me one? Can the Senator cite me, and I will ask the Senator from New York—

Mr. FRANCE. I can cite the Senator to a clause—

Mr. OVERMAN. Can the Senator cite me to any criminal statute of the United States that has this provision?

Mr. FRANCE. I can cite the Senator, of course, to the first amendment to the Constitution of the United States, which, as I said before, has been interpreted by Chief Justice Story as embodying the principles of this amendment.

Mr. OVERMAN. I will not yield to the Senator for a speech.

Mr. FRANCE. It has guaranteed this very thing.

Mr. OVERMAN. I ask again any Senator on this floor to cite me to a single criminal statute that has any such amendment as this. I will ask any Senator here if this is not a fact that this amendment does not give a defense never given in addition to the usual provisions expressed in a statute as to criminal intent?

Mr. FRANCE. I will say in answer to the Senator that I do not believe there has been enacted in any country since the dark ages any criminal statute so framed as to make such an amendment necessary.

Mr. OVERMAN. Mr. President, that may be so in the Senator's opinion, and I am not criticizing him or any other Senator, but I say this, and I repeat it, that there is no criminal statute that was ever passed that has any such provision in it, and it is giving an additional burden to the Government that ought not to be given, and it is requiring proof that is not required in any other criminal statute in the world. Therefore I say the Senator may not be proud to do it, but he will have to admit that I am correct. I take back the word "proud" and say he will have to say that if he voted for such an amendment it gives a cloak to disloyal people never given in any other criminal statute.

What is this statute for? It is a criminal statute. It is a statute that we have been trying to pass here for the benefit of the Army and to preserve our country. We have been trying to pass it for 12 long months, and we have had to fight it out in the Senate for weeks and weeks. It went to the House of Representatives and comes back here and then goes into conference, and here we have the same old fight again. There is delay, delay, delay, and the war is going on and the Kaiser at work in this country with his pernicious propaganda.

Let us look at the history of this amendment. When the Senator introduced it in the Senate it was defeated in the Committee of the Whole by a good majority on a roll call. Then the Senator introduced it in the Senate. I let it go in. It went to conference and was stricken out.

Why do you want to put an additional provision in here to throw additional burdens on the prosecuting officer of the Government and give a new defense to all these men as to motives who are indicted, these German spies, the Bolsheviks, and these I. W. W.'s? Why do you not let us have the same criminal statutes we have for everybody else?

The Senator from Colorado [Mr. THOMAS] has made one of the most lucid arguments that have been made in the Senate on the subject. He showed clearly that nobody has been able to contend against him as to his argument that if this amendment is included in the bill it will work harm. I want to reinforce his argument by an additional letter sent here by the Attorney General. The Senator from Colorado made a great argument, and I want to reinforce that argument by putting in the Record the argument of the Attorney General on this subject. He gives concrete cases to show the harm it will work and how difficult it will be to convict these men. This criminal statute is for the purpose of convicting guilty men, not innocent men. No loyal citizen can be convicted under it, and under the amendment it is believed by many that guilty men will escape. Therefore there is no reason for putting such an amendment in the statute.

Mr. KING. Mr. President—

Mr. OVERMAN. I yield to the Senator from Utah.

Mr. KING. The Senator from Maryland [Mr. FRANCE] just now said that outside of the Dark Ages there could not be found such a statute as this. I should like to put into the Record, with the permission of the Senator from North Carolina, the statute which was passed in Canada dealing with this question and cognate ones, and the statute in England is very much the same:

Whereas the ultimate constitutional authority the people of Canada have determined that the present war in which Canada with Great Britain and her allies is engaged is a just war and entered upon for just cause and from the highest motives, and on that should be prosecuted without faltering to a conclusion which shall insure the attainment of the purposes for which it was so entered upon; and

Whereas the mind of the entire people should be centered upon the proper carrying out in the most effective manner of that final decision, and that all questioning in the press or otherwise of the causes of that war, the motives of Canada, Great Britain, or the allies in entering upon and carrying on the same, and the policies by them adopted for its prosecution, must necessarily divert attention from the one great object on which it should be so centered, and tend to defeat or impede the effective carrying out of that decision; and

Whereas the day for consideration and discussion has passed, and the day for united action in execution of an unchangeable decision has come, and it is therefore necessary to remove every obstacle and hindrance to such united action; and

Whereas it is desirable to prohibit the publication of secret and confidential information as hereinafter set forth:

Therefore His Excellency the Governor General in Council, on the recommendation of the minister of justice, under and in virtue of the powers conferred upon the governor in council by the war-measures act, 1914, is pleased to order and enact an order and regulation, and the same is hereby ordered and enacted in the terms following, to wit:

ORDER AND REGULATION.

1. It shall be an offense—

(a) To print, publish, or publicly express any adverse or unfavorable statement, report, or opinion concerning the causes of the present war or the motives or purposes for which Canada or the United Kingdom of Great Britain and Ireland or any of the allied nations entered upon or prosecute the same, which may tend to arouse hostile feeling, create unrest, or unsettle or inflame public opinion.

(b) To print, publish, or publicly express any adverse or unfavorable statement, report, or opinion concerning the action of Canada, the United Kingdom of Great Britain and Ireland, or any allied nation in prosecuting the war.

(c) To print or give public expression or circulation to any false statement or report respecting the work or activities of any department, branch, or officer of the public service or the service or activities of Canada's military or naval forces which may tend to inflame public opinion and thereby hamper the Government of Canada or prejudicially affect its military or naval forces in the prosecution of the war.

(d) To print, publish, or publicly express any statement, report, or opinion which may tend to weaken or in any way detract from the united effort of the people of Canada in the prosecution of the war.

(e) To print, publish, or publicly express any report of or to purport to describe or to refer to the proceedings at any secret session of the House of Commons or Senate held in pursuance of a resolution passed by the said House or Senate, except such report thereof as may be officially communicated through the Director of Public Information.

(f) Without lawful authority, to publish the contents of any confidential document belonging to, or any confidential information obtained from, any Government department or any person in the service of His Majesty.

2. Any person found guilty of an offense hereunder shall, upon summary conviction, be liable to a fine not exceeding \$5,000 or to imprisonment for not more than five years, or to both fine and imprisonment.

The Senator will see this goes much further in many respects than the measure which is now under consideration.

Mr. OVERMAN. Of course, Mr. President, much further. I do not impugn the loyalty of any Senator, because I think every Senator on this floor is as loyal and as true to his country as I am. I am saying, as an argument, that if this bill contains the France amendment it will be the only criminal statute in the world that has such a provision in it. I say that without fear of contradiction; and I say you are putting this amendment upon a statute that is intended only to catch spies and I. W. W.'s and disloyal citizens in this country, and if we do not put it on

other criminal statutes referring to our entire citizenship, why should we put it on a statute which applies only to disloyal citizens? That is the argument I make, and I think it is a just argument, because you can not dispute the fact.

Now, as to the other amendment that was agreed to in conference, known as section 4, it is not in disagreement. Of course, Senators may differ about that matter. I want to say to the Senate that we discussed it over and over again on another occasion, not at the time the amendment was adopted, and it was adopted by the Senate by a large majority. Some Senators I know were not present, but that was not my fault. We had a time limit to vote and it was put on the bill.

We have to trust somebody, Senators, to administer the law. There has been too much of a tendency here in the Senate to oppose good measures on account of men. Is not that true? Senators have stood here and fought excellent measures because of the men who had to administer them. We have to trust somebody. That is not the way Senators should consider a great measure which is to be passed for the benefit of the citizens of this entire country.

Mr. SMITH of Georgia. Will the Senator let me ask him this question? Are the amendments on page 2 and page 3 in the same language that the Senate passed, or have they been changed?

Mr. OVERMAN. In what line?

Mr. SMITH of Georgia. On line 18, page 2.

Mr. OVERMAN. The conferees did not change anything material except as to the France amendment.

Mr. SMITH of Georgia. And everything else is in the same language the Senate adopted?

Mr. OVERMAN. Exactly the same language, except that it must be limited to the war. We agreed that this statute should be limited to the war. That is the only material change which was made in conference—striking out the France amendment. All the other amendments are as they were passed by the Senate, except that we left out the word "contemptuous" and we put in the word "willfully"; that not only must it be done with an intent, but it must be willfully done. That was suggested by the Senator from Colorado [Mr. THOMAS]. Those were the only changes in the conference report, except some words which were not material.

Mr. NELSON. If the Senator will allow me, we made one other small change in line 16. We struck out the word "discourage."

Mr. OVERMAN. Yes.

Mr. NELSON. It occurs in two places. We struck out the word "discourage" in both cases, so that it reads "obstruct or willfully attempt to obstruct."

Mr. OVERMAN. I said that there was no material change except limiting it to the time of the war and striking out the France amendment. I said that there had been some changes in language. We left out the word "contemptuous," as the House objected to those words.

Mr. SMITH of Georgia. That lessened, instead of increased, the force of the Senate bill?

Mr. OVERMAN. Yes.

Mr. SMITH of Georgia. And the insertion in section 4, "when the United States is at war," lessened the time of the duration of the proposed statute rather than increased it?

Mr. OVERMAN. Yes; as it passed the Senate the fourth section, giving the Postmaster General this power, was general, and we thought it ought to be confined simply to the war. That was the only material change in it. The Senate had passed it making it absolutely a general power.

Mr. SMITH of Georgia. And the conferees accepted it, provided that it were limited to the duration of the war?

Mr. OVERMAN. Provided it were limited to the war?

Mr. SMITH of Georgia. And the conferees of the House also agreed to strike out the word "discourage," which was put into the bill?

Mr. OVERMAN. Yes.

Mr. SMITH of Georgia. So that the only thing on which the Senate yielded that increased the vigor of the bill is amendment numbered 6 on page 3?

Mr. OVERMAN. That is all.

Mr. SMITH of Georgia. And the question now is whether we are willing to leave out amendment numbered 6, on page 3, as applied really to amendment numbered 5, on pages 2 and 3?

Mr. OVERMAN. That is all. That is the question now as to the adoption of the report.

Mr. President. I understand that some Senator—I think the Senator from Nebraska [Mr. NORRIS]—desires to make a motion to send the report back to conference with instructions to leave out section 4, which I hope will not be done. The whole argument here has ranged around that; that question has been

argued here for months. I am not going further into the argument, except to say that I have a mass of literature before me—and if I had more time I should like to put some of it in the Record—showing that there is a German propaganda going on in this country through religious societies. I have seen letters in which it is stated they are trying to employ what are called colporteurs to distribute what they term religious tracts and quotations from the Bible among the employees in all our manufacturing institutions, telling them it is wrong to make munitions, and sending out literature of every kind and character. I wish I could put this matter in the Record, but there is too much of it, and I am not going to consume any more time of the Senate.

I hope the Senate will vote down the motion, if it is made, to recommit the report with instructions, and I ask for the adoption of the conference report.

Mr. SMITH of Georgia. Mr. President, it would not be in order for us to vote to refer the report back with instructions as to something which we had ourselves adopted?

Mr. OVERMAN. I do not think so, but I am willing to have the Senate act.

Now, Mr. President, I ask that the Secretary read the letter addressed to me from the Department of Justice. I wish I could also have the memorandum attached thereto read, but it is somewhat long, and I will ask that it be put into the Record.

The PRESIDING OFFICER (Mr. LEWIS in the chair). Is there objection? The Chair hears none. If the Senator from North Carolina in charge of the bill will allow the Chair to inquire, does the Senator ask to have the letter to which he refers read or merely to be put in the Record?

Mr. OVERMAN. I ask that the letter be read, and that the memorandum be inserted into the Record.

The PRESIDING OFFICER. If there be no objection, it will be so ordered. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., April 26, 1918.

Senator LEB S. OVERMAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR OVERMAN: Judging from the debate in the Senate yesterday the purport of the letter addressed to Mr. WEBB on April 16 does not seem to have been clear. This is the situation:

As already pointed out, the greatest danger to the country, internally, to-day is the use of different sorts of seditious propaganda, particularly the false pacifist propaganda. As section 3 now stands, without the proviso as to good motives and justifiable ends, the accused when brought to trial already has surrounding him all the protection afforded by the Constitution of the United States guaranteeing the right of free speech, etc. Further, to secure his conviction the Government must prove that he did willfully the act complained of, and it is also necessary, as the courts have invariably pointed out to the juries, for the jury to be satisfied that the acts were done or the utterances made with intent to obstruct enlistment or to cause insubordination, etc. About 250 defendants have either plead guilty or have been convicted by juries under this section. There has been no general complaint that the law has not been impartially administered or that individual liberties have been improperly interfered with.

It is quite unnecessary to say that the Department of Justice, even in war time, believes that the fullest measure of constitutional protection should be given to every defendant. That is already accomplished without the addition of the proposed proviso. In this connection I respectfully call your attention to the opinion recently expressed by ex-President William H. Taft, who has been recently quoted in the newspapers as stating:

"The statutes should never require proof that the uttering of disloyal sentiment is with the intent to stop the draft or to accomplish some other treasonable purpose. This is often difficult to show, and when it can be shown the crime should be regarded as of a higher order and should have severe punishment. The ground for penalizing such words without regard to the intention of the speaker is that they have one or two pernicious tendencies; they either stir those who hear to violence, and so produce a breach of the peace, or they influence others to share in the sentiment, and thus retard support of the war."

A few days ago one Clarence H. Waldron, convicted at Burlington, Vt., under section 3, was sentenced to serve a term of 15 years for attempts to cause insubordination in the military forces, etc. In his charge to the jury in this case United States District Judge Howe used the following language:

"The Government's evidence tends to show that the defendant intended to cause insubordination, disloyalty, and refusal of duty in the military forces of the United States; the defendant's evidence tends to show that the only intention which he had was to serve God."

"You should be careful not to let motive influence you. Motive is that which leads to the act; intent qualifies it. A crime may be committed with a good motive, it may be committed with an evil motive, or it may be committed with a good and an evil motive. To illustrate: The father of a large family steals bread for his starving children and also to deprive the owner of its value. He has two motives; one is good and one is evil; but he is guilty, notwithstanding he has a good motive as well as an evil motive, for he must not steal at all. So in this case the defendant's intention to serve God does not excuse him, if you find that he also intended to cause insubordination, disloyalty, or refusal of duty."

This is an accurate statement of the law; but if at the time of this trial the proviso as to good motives, justifiable ends, etc., had been written in at the end of the statute, the court could not properly have made the statement of the law above set forth.

As a lawyer, you will readily understand what a cloud of confusing legal technicalities can be stirred up by introducing collateral questions as to what are justifiable ends, the personal motives of the defendant,

etc., especially in cases where the real issue should be the question whether the defendant has willfully crippled his country in war time. The position of this department is this: This section is effective only during the period of war. For nearly a year the original section 3 has existed without the proviso, and no wrong has been done under it. There is no necessity now for inserting such a proviso. Without it the defendant will have the full measure of protection guaranteed him by the Constitution, and the Government will be, as now, required to prove beyond a reasonable doubt both intent and willful action. To insert such a proviso in the statute will place an additional and unnecessary burden on the prosecution which will seriously hamper the prosecution of the most dangerous forms of German propaganda. This is not a statement of opinion, but a statement of fact based on the actual experience of the past year.

Respectfully,
JOHN LORD O'BRIEN,
Special Assistant to the Attorney General for War Work
(For the Attorney General).

The memorandum referred to is as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., April 25, 1918.

MEMORANDUM ON PENDING AMENDMENT OF ESPIONAGE ACT.

In the pending bill to amend section 3, Title I of the espionage act, a clause was inserted in the Senate reading:

"Provided, however, That nothing in this act shall be construed as limiting the liberty or impairing the right of any individual to publish or speak what is true, with good motives and for justifiable ends."

At the suggestion of this department said clause was eliminated by the conference committee, and the pending discussion in the Senate relates to that clause.

This clause might be interpreted as governing all cases under section 3, whether arising under the section as originally enacted or as amended by the new act. At the very least it would govern cases brought for attempting to obstruct or discourage the recruiting or enlistment service of the United States, which will be the provision under which most cases against propaganda will be brought.

The said clause relating to motives and justifiable ends will, as a practical matter, make the espionage act either entirely useless or materially decrease its usefulness as a weapon against pro-German or antiwar propaganda.

Most of the amendments inserted in the bill in the Senate do not concern that which may be properly termed "propaganda." They are concerned with disloyal, contemptuous, etc., language about the form of government or the flag or the uniform. These disloyal remarks or outbursts, against which these amendments are mainly directed, have seldom any effectiveness as propaganda. In fact, the debate in the Senate showed that these provisions were treated as police provisions made necessary because the disloyal remarks of the type indicated in the bill, instead of causing disloyalty, tend to cause a passionate loyalty which expresses itself in outrages and disorders. Consequently in dealing with these disloyal remarks which are brought within the scope of the espionage act by these amendments we are not dealing with propaganda; that is, effective propaganda which obstructs the prosecution of the war by obstructing the participation of the citizens in military service or other form of war service.

The dangerous propaganda seldom takes the shape of open and frank abuse of the United States or praise of Germany. It practically never takes the shape of advocacy of the cause of Germany or opposition to the cause of the United States in the war. It is seldom if ever possible to prove a German source of propaganda; that is, to prove that the financing of it or the instigation of it has a German source. On its face the propaganda generally shows a motive other than opposition to the cause of the United States in the war or the promotion of the cause of Germany; and it is seldom if ever possible to prove that there is a concealed motive to promote the cause of Germany. Despite its defects the espionage act has proved a fairly effective weapon against propaganda and if amended as suggested by this department there is every reason to believe that it will prove an exceedingly effective weapon against propaganda. Its effectiveness, however, for this purpose has come and must necessarily come from the principle that the motive prompting the propaganda is irrelevant and that the criminal nature of the propaganda is dependent either upon the intent of it or upon the natural or necessary effects of it. To make the question of motive relevant, as the said clause proposes, would be introducing an element which would enormously increase the difficulty of successful prosecution and enormously decrease the value of the espionage act as a deterrent of propaganda. Let me illustrate this by referring briefly to four or five of the current types of dangerous and effective propaganda.

One of these types may be classed as religious or Christian pacifism; that is, opposition to participation in the war on the ground that such participation is opposed to the tenets of Christianity and the word of God. As we know from authoritative information, it was this type of propaganda which was extensively effective in the weakening of the Italian Army which caused the great Italian retreat. It would, if permitted to spread, tend to weaken the fighting effectiveness of any nation. On its face this type of propaganda has the highest possible motive, namely the purely religious motive, and that is often the real motive. Even where not the real motive, any other motive would be generally impossible to prove. The statements made in this propaganda consist generally of quotations from the Bible and interpretations thereof, so that the statements of fact therein contained are generally true or at least can not be shown to be untrue. Convictions against this type of propaganda are only possible where the motive is irrelevant and the intent of the propaganda or the natural effect of the propaganda is the determining factor. Another class of effective propaganda, by which I mean propaganda which has an effectiveness in diminishing the fighting force of the Nation and contains the dangers of actually disintegrating the fighting force of the Nation, is that which is engaged in promoting the proletarian revolution. Its cardinal principle is that hostility between nations is due to commercial and capitalistic rivalry; that the real hostility is between the proletariat of all nations and the capitalists of all nations. We know that this type of propaganda has had serious results in weakening the fighting effectiveness of Russia. It contains few assertions of facts, at any rate; assertions of facts can easily be avoided without reducing the effectiveness of the propaganda. On its face its motive is not treasonable; that is, on its face its motive is not to assist the enemy. Where a treasonable motive exists, this motive is concealed and seldom discoverable. To introduce the element of motive is to render the statute practically useless against this type of propaganda.

Another type analogous to the previous type is that which promotes the theory that international socialism is opposed in principle to this war. The promotion of international socialism can not, when representing genuine convictions, be attributed to bad motives. It represents one theory as to the best way of promoting human happiness, and the promotion of human happiness is a good motive. Yet this propaganda sometimes takes a shape which might have great effectiveness in obstructing war preparation and the conduct of the war.

Another type is that which is engaged in the promotion of greater equality of treatment of the negro, and proclaims that the requirement of military service on the part of the negro entitles him to be free from lynchings and various social and political discriminations. The statements of fact used in this propaganda are frequently true. The promotion of better conditions for the negro often is and may be based upon good motives; yet this propaganda often shows the intent and more often shows the tendency or natural effect of obstructing the war.

Many other types of dangerous or effective propaganda based on good motives, or at least where proof of disloyal motive is practically never available could be added. In short, the well-known distinction in criminal law between motive and intent is a distinction upon which the effectiveness of the espionage act as a weapon against dangerous antiwar propaganda largely depends.

To make the question of motive relevant in these cases, as would be done if the said clause were retained, would most seriously impair, if not totally destroy, the effectiveness of the espionage act against those types of propaganda which are really the most dangerous or effective types.

The recent trial in the district of Vermont of Clarence H. Waldron may furnish an illustration. The charge of the court in that case has been incorporated in Bulletin No. 79 of the Interpretation of War Statutes, a copy of which is here attached. On page 6 it will be noted that the court told the jury to be careful and not mix motive with intent, as a crime may be committed with a good motive. If the proposed clause were inserted in the bill not only would the court have been forced to omit all reference to this well-known distinction between motive and intent, but, on the contrary, would have felt it necessary to inform the jury that it could take the motive of the defendant into account and would have to acquit him if it felt that the utterances made by him had been made with a good motive.

The prevalence in the country of certain kinds of disloyal expressions bearing some analogy to the old types of libel of the Government has quite naturally caused the Senate to insert a clause taken from the history of the law of libel. This clause has no appropriate place, however, in a statute or part of a statute dealing with modern war propaganda. If it is to be retained in the act at all, it should be most carefully limited to those portions of the act which are analogous to the law of libel, as, for instance, those provisions directed against disloyal or abusive language about the form of government of the United States or the Constitution of the United States or the military forces of the United States, etc.

All question of motive should be most carefully excluded from those provisions of the statute under which the more subtle, dangerous, and effective types of antiwar propaganda will have to be fought.

Mr. OVERMAN. I desire also to put in the RECORD another memorandum which has been sent to me by the Attorney General, showing how the France amendment would impose such a burden on him that he doubts whether in many cases he could convict guilty men if the amendment is left in the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The memorandum referred to is as follows:

MEMORANDUM ON THE PROPOSED AMENDMENT TO SECTION 3, TITLE I, OF THE ESPIONAGE LAW.

The opinion of the Military Intelligence Branch is entirely adverse to the amendment to the espionage law to the effect that section 3, Title I, shall not apply to those who utter, "what is true, with good motives and for justifiable ends."

Experience teaches that such an amendment would to a large degree nullify the value of the law and turn every trial into an academic debate on insoluble riddles as to what is true. Human motives are too complicated to be discussed, and the word "justifiable" is too elastic for practical use.

There could hardly be less harm in a law saying that a soldier shall not be punished for disobedience, provided he bases his refusal to serve on grounds that are true and justifiable, and proves that his motives are pure. Our soldiers temporarily surrender their liberties of thought and speech and action in order that they may save them for the future. The whole Nation must subject itself to discipline until after the war. Otherwise in defending liberties in detail, we may lose liberty altogether.

In every division camp there are so-called "conscientious objectors" who refuse to do any military duty whatsoever. They endeavor to spread their policy throughout the camps. They are stimulated by numerous publishers and orators. The Intelligence Service has in its files great quantities of books, periodicals, circulars, and letters intercepted and confiscated. The truth of these documents depends on the point of view of the reader. The motives alleged are the highest, and yet their unrestricted dissemination could only serve to stir men up to mutiny and tend to disintegrate our entire Army.

One of the most dangerous examples of this sort of propaganda is the book called "The Finished Mystery," a work written in extremely religious language and distributed in enormous numbers. The only effect of it is to lead soldiers to discredit our cause and to inspire a feeling at home of resistance to the draft.

The Kingdom News, of Brooklyn, prints a petition demanding that restrictions on "The Finished Mystery" and similar works should be removed, "so that people may be permitted, without interference or molestation, to buy, sell, have, and read this aid to Bible study." The passage of this amendment would reopen our camps to this poisonous influence.

The International Bible Students' Association pretends to the most religious motives, yet we have found that its headquarters have long been reported as the resort of German agents.

Shakespeare wisely said that "the devil may quote Scripture to his own purposes," and the Germans are peculiarly fond of abusing the religious spirit. The Kaiser appeals for obedience to his every behest on the claim that he is the divine representative and spokesman. The German clergy has been a unit both at home and throughout this country in denouncing all resistance to the Kaiser as impious.

The collapse of the Italian Army last year was largely due to the religious literature printed in Italian and dropped among the troops by Austrian airplanes. The Germans have recently dropped among the British troops thousands of copies of a sermon by the Rev. John Haynes Holmes with a view to stirring up mutiny. This preacher resides in America and is linked with the Finished Mystery group. His motives are fanatically sincere, and he thinks his ends justifiable, yet it is evident that if his sermons appeal to the Germans as ammunition, they must be dangerous in our country. The amendment proposed would leave such preachers to unrestricted sedition.

The gospel of sabotage is preached by many eminent professors in eloquent terms. Destruction of property, ruination of sawmills, burning of crops, sinking of ships, are all advocated as acts of high principle looking toward the betterment of labor. The result is the hampering of military success and it is the result, not the motive, that must be guarded against. The damage to life, property, and efficiency already done by these doctrines is great, and they threaten greater damage.

The motives of a negro preaching the elevation of his race could hardly be attacked as bad, yet the result may be equivalent to the prevention of reinforcements. G. H. Mason, a negro pastor of Jackson, Miss., preached resistance to the draft, with the result that only 31 out of 63 negro registrants in that country responded to the call.

There is no more dangerous element in this country than that which conscientiously battles for unlimited individual freedom of act and speech at this time. The persons assume the highest ethical and philosophical grounds, but their influences is as paralyzing as that of the fanatics whose motives are so earnest that they will commit arson, murder, or suicide to register their beliefs.

The motives of the Bolsheviks in Russia were good, their ends justifiable in their eyes, and their criticisms of the administrations were true, but they overlooked the military danger of such discussions, with the result that the soldiers shot nobody but their own officers and their fellow citizens, and the Germans are still marching almost unresisted across the prostrate nation in spite of a treaty of peace.

The only ones who have profited by the Russian excess of liberty are the Germans who do not believe in personal freedom except in the countries they wish to conquer.

The passage of this amendment would greatly weaken American efficiency and help none but the enemy. Results, not motives, count in war, therefore the law and its executors should be concerned with procuring desirable and preventing dangerous results, leaving motives to the mercy of the judges or to the perspective of historians.

Mr. FLETCHER obtained the floor.

Mr. WALSH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Montana?

Mr. WALSH. I want to say a word concerning the letter which has just been read, if the Senator from Florida will permit me.

Mr. FLETCHER. I yield for that purpose, Mr. President.

The PRESIDING OFFICER. The Senator from Florida yields, and the Chair recognizes the Senator from Montana for the purpose expressed.

Mr. WALSH. Mr. President, I do not want, even by remaining silent, to have it supposed that I at least accept at all the reasoning either of the Assistant Attorney General or of the district judge whose opinion he quotes. I do not recognize that in the application of the very well-understood clause, "with good motives and for justifiable ends," anybody can excuse himself for a plain violation of law. That is not "a justifiable end" which is a violation of law. So, Mr. President, if one under the statutes has the intent to obstruct enlistment, he can not say that he was actuated by good motives, and there are no justifiable ends. So, in respect to the case cited by the judge of the man who steals bread to save his child from starvation, he can not claim that he is actuated by good motives and for justifiable ends, because the law will not recognize the stealing of bread as excusable, even though it be done for the purpose of saving a child from starvation. That is not a "justifiable end" in the contemplation of the law.

So, Mr. President, with reference to the people who teach the evil of bearing arms and the evil of participation in military activities of the Government, if their teaching is done with the intent to obstruct enlistment or to incite insubordination in the Army, they can not escape responsibility for their act by saying that they were actuated by a desire to serve God.

Mr. President, that was all tried out in the Mormon cases. The Mormons, formerly at least—and I assume that the thing has been abandoned—taught—at least, as it is generally understood—that plural marriage was not only countenanced by Holy Writ but was a highly commendable thing. Doubtless they believed what they taught, and they taught it with the best of motives; but the law forbids plural marriages. They could not say that they were actuated by good motives or for justifiable ends.

Mr. SMITH of Georgia. Both the motives and the ends must be justifiable.

Mr. WALSH. Of course. The end must be one which the law recognizes as justifiable. Therefore, Mr. President, in all of these cases, if the man actually is guilty of the criminal intent contemplated by the statute, if he does really intend to block our armies in any way or to incite insubordination or mutiny among our soldiers, or if he intends in any way to obstruct the draft, he can not escape condemnation under this

act as it now stands or as it will be if it goes into force without the France amendment. He can not escape responsibility in that way.

Mr. FLETCHER. Mr. President—

Mr. KING. Will the Senator from Florida yield to me?

Mr. FLETCHER. I yield to the Senator from Utah.

Mr. KING. The other day during the discussion of one phase of this conference report, particularly that to which the Senator from Idaho [Mr. BORAH] addressed himself, attention was called to the fraud statute and to the holdings of the court in respect to that statute. I have received a letter from the Solicitor of the Post Office Department and I should like to have it read at this time as a part of the discussion upon this phase of the conference report.

The PRESIDING OFFICER. The Chair hears no objection, and the letter referred to by the Senator from Utah will be read.

The Secretary read as follows:

POST OFFICE DEPARTMENT,
Washington, May 4, 1918.

Hon. WILLIAM H. KING,
United States Senate, Washington, D. C.

MY DEAR SENATOR KING: I read in the RECORD this morning the speeches in the Senate of yesterday and your remarks in the course of the debate.

The language of section 4 under discussion is identical with that of the fraud statute, and it is impossible to make any distinction between the practical operation of the two measures. The fraud statute itself does not provide for a hearing, nor does it provide that a fraud order shall only be issued against persons who have been convicted of the fraud, as one might assume from the remarks of Senators.

The Postmaster General would at the present time have as much power to issue fraud orders against newspapers for political purposes or in order to accomplish any of the purposes suggested by Senators in furtherance of political interests under the existing fraud statute as he would have to issue orders for the return of such mail under section 4 of the bill. The fraud statute itself does not even provide for a hearing. As a matter of practice and in order to administer absolute justice, full hearings are held in fraud cases; that is, where conclusive evidence of the fraud does not appear upon the face of the papers before the department. This practice would undoubtedly be extended to cover seditious cases, but in the latter class much of the illegal matter under the espionage act would appear on the very face of the literature being circulated, which would make a hearing unnecessary in some cases. In fact, the public interests might seriously suffer by permitting the continued use of the mails to one sending literature manifestly in violation of the espionage act pending such hearing.

Nor does the analogy between the fraud statute and the proposed law stop at what has been said. The fraud statute does not provide in terms for a review by the courts, but it is settled law that the equity courts have jurisdiction to restrain orders of the Postmaster General where they are issued contrary to law or where for any reason it appears the Postmaster General has acted in an arbitrary or capricious manner.

This is a war measure and is intended to prevent this great governmental instrumentality—the mails—from being used against the interest of the Government in the prosecution of this war. The equity courts would have the same jurisdiction to restrain improper orders of the Postmaster General under section 4 of this proposed bill that they now have under the fraud statute. If the Postmaster General should attempt to use this power for other purposes, political or otherwise, such as has been suggested in the course of the debate, he would not only violate the law himself, a remedy for which would immediately be available in injunction proceedings, but make himself the object of ridicule and contempt of the American people, with the result that instead of accomplishing any political advantage such action would be a political boomerang.

There is a further analogy between this class of legislation and fraud legislation. Not only has Congress provided for the issuance of fraud orders by the Post Office Department, upon evidence satisfactory to the Postmaster General, but, as in the matter under consideration, there is a companion criminal statute making it a penal offense to use the mails for fraudulent purposes. The delays incident and the technicalities resorted to in criminal proceedings have demonstrated beyond any doubt that the preventive measure employed by the Post Office Department is infinitely more effective in preventing frauds than the criminal provision. The fact is that the action of the Post Office Department in detecting frauds has furnished the information upon which criminal prosecutions have followed.

The recent case of the Masses Publishing Co., where the magazine has been barred from the mails since last July, and where the courts have sustained the action of the department, but where the criminal proceedings are still pending after one mistrial, is an example of the relative efficiency of the two methods in handling seditious matter. The Masses case is merely typical. In many such cases it takes years to bring offenders to trial in fraud cases.

Much of the seditious matter that is now being circulated is distributed by persons or concerns throughout the country in circular form and is accompanied by urgent solicitations for funds to continue the propaganda work, and hundreds of thousands of dollars are being sent through the mails to the distributors of such literature. The proposed section 4 would enable the Post Office Department to promptly reach and suppress this evil. The propagandists now engaged in this work in most cases are willing to serve prison sentences if they are only permitted to conduct the propaganda. They are largely of a class who have nothing to lose by a prison sentence, and, in fact, such sentence simply brings the martyrdom they seek in the eyes of those whom they endeavor to mislead.

I may add, in conclusion, that the practice in the department in all cases where fraud orders or similar orders of the Postmaster General are made is that a finding of the facts before the department is made up by the solicitor for the department and form a part of the record of the case and are made a part of the order of the Postmaster General, all of which are available to the interested parties for use in the courts or otherwise.

The theory underlying fraud, lottery, and other similar statutes is that the matter prevented from being carried in the mails is against public policy. If the practice of a fraud which only affects a few individuals is against public policy, how much more against public policy is the circulation of matter which in time of war strikes at the very heart of the Republic? And why should not all use of the mails be prohibited to one engaged in such undertaking?

Very truly, yours,

W. H. LAMAR, *Solicitor.*

Mr. FLETCHER. Mr. President, there need be no further argument in respect to the provision in the bill which was inserted here in the Senate; that really is not up for discussion, as I view the matter. Of course, we have a perfect right to discuss it, but it is not involved in the question before the Senate at this time. The sole question is, Shall the Senate agree to this conference report? The conference report has not changed that provision in the bill to which the letter just read is addressed, and to which a good deal of discussion has been directed. It does not change that in any respect whatever, except to insert at the beginning of that clause, section 4, the words "when the United States is at war"; in other words, it limits the application of this post-office provision to the period of the war. That is the only thing the conferees did with respect to that provision of the bill, otherwise it remains precisely as the Senate adopted it, and I have not heard anywhere any objection to the language inserted by the conferees. I take it that all those who were opposed to the original provisions of the bill prefer it with that language, and all those who favored the original provisions certainly have no objection to that language.

Mr. HARDWICK. Mr. President—

Mr. FLETCHER. I yield to the Senator.

Mr. HARDWICK. I agree with the Senator that that is so; but, at the same time, when it comes to the adoption of the conference report in its final form, Senators who are opposed to any part of the bill as originally passed may still oppose the adoption of the conference report.

Mr. FLETCHER. I concede that.

Mr. HARDWICK. That, of course, involves no reflection upon the action of the conferees.

Mr. FLETCHER. I concede that. I say we have the right to thrash this all out again; we have a perfect right to do that and object to the whole bill; and the discussion has for two days and a half very largely been directed against the bill as a whole, rather than against any action by the conferees. We have gone over and over here in the last two days and a half precisely what we undertook to settle when we passed the bill and sent it to conference. We have a right to do that, of course; but I am not going into that field, because I supposed it had been settled and concluded, and, so far as I am concerned, it was settled right. All I propose to deal with is the conference report.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. FLETCHER. I yield to the Senator.

Mr. GALLINGER. I quite agree with the Senator that the words the conferees placed in the bill, limiting the operation of this proposed statute to the period of the war, improve it. At the same time the conferees openly violated a rule of the Senate, and if any Senator wished to make the point of order that the conferees had inserted matter that neither House had considered, the conference report would go back to conference. I have no disposition, however, to raise that point, and I apprehend that no other Senator will do so.

Mr. FLETCHER. I appreciate what the Senator has said; but at the same time I differ with him as to a violation of any rule of the Senate, because that amendment was in conference as a whole; the House said, "We will agree to it, provided you amend it so and so."

Mr. GALLINGER. Mr. President, the Senator will remember that we amended the rules only two or three weeks ago, and in the new rule it is specifically stated that the conferees shall not insert any matter that has not been agreed upon by either House, nor shall they strike out anything that both Houses have agreed to. I simply call attention to that, without any intention of raising the point at this time.

Mr. FLETCHER. I am very glad to have the Senator mention it. I will try to keep it in mind in any future work of that kind, but I was not under that impression; my judgment is that the Senator is in error about it.

Mr. SMITH of Georgia. Mr. President, will the Senator yield to me for just a moment?

Mr. FLETCHER. I yield to the Senator.

Mr. SMITH of Georgia. Mr. President, it seems to me the Senator from New Hampshire, usually so accurate on questions regarding the rules, is not right about this matter. The Senate

passed this provision with reference to the Postmaster General and made it apply for all time. The House came in and said, "We will not accept that, but we will yield if you make it apply only for a limited time." To yield for a limited time what has been made applicable for all time is a legitimate conference agreement. The question was, Shall it be for all time? The House said, "No; but we will agree to it for a limited time." To say that the provision shall apply for a limited time is to accept part of what the Senate has done. All that the Senate did was in conference, and the House accepted part of what the Senate did. If we can not in conference under our new rule make an agreement of that sort, our new rule has cut us practically out of bringing the two Houses together.

Mr. GALLINGER. I think the Senator probably is familiar with the amendment to the rule.

Mr. SMITH of Georgia. I was on the subcommittee of the Committee on Rules of the Senate when it was prepared.

Mr. GALLINGER. If the Secretary has it at hand, I wish it might be read now. However, I do not wish to prolong the controversy at all, and I will not ask that it be read; it is very explicit.

Mr. FLETCHER. Mr. President, as I was saying, the arguments which have been advanced during the discussion of this whole question as to whether or not we will agree to the conference report have been arguments directed against the entire bill.

There is need of this legislation, Mr. President. It began, if I may be permitted to trace briefly its history, in a very innocent sort of way. It was suggested by the Department of Justice, because we had inadvertently overlooked in the original act, approved June 15, 1917, the language found in section 3 of the pending measure, which applies to "causing or attempting to cause insubordination, disloyalty, mutiny, or refusal of duty."

In the next portion of that section we use the language—
or shall willfully obstruct the recruiting or enlistment service of the United States to the injury of the service of the United States—

Omitting the words "or attempt to obstruct."

Cases arose where it was difficult to prove an actual obstruction to the recruiting or enlistment, but there was an effort made to obstruct. Attempts were made. The intention was there. The purpose was there. The motive was there. Everything which the law condemned was there, but it did not actually result in preventing or obstructing the enlistment or the recruiting. Now, we had overlooked the use of those words, "or attempt" to do these things. We used them in the first part of section 3 of the original act, and omitted them in this part of the section. They are absolutely necessary words. So that this measure was proposed in the House in order to cure that defect; and you will find, referring now to section 3, that about all that was added in the original bill was this language in line 15:

Or shall willfully obstruct or willfully attempt to obstruct the recruiting or enlistment service of the United States.

That was primarily the purpose of the bill when it was introduced. It came to the Senate, was referred to the Committee on the Judiciary, and there certain amendments were offered; and the amendment reported by the committee, which is numbered 5, and some others were agreed to in the Senate. There was an added amendment, numbered 6, offered by the Senator from Maryland [Mr. FRANCE] in the Senate.

The House disagreed to these amendments, and asked for a conference. We agreed to the conference, and the conferees then took up the measure. The House conferees were willing to accept the Senate amendment numbered 4, provided we struck out the useless words—I regard them as useless—"or discourage" as they appear in lines 15 and 16, so as to leave the act:

Or shall willfully obstruct or willfully attempt to obstruct the recruiting or enlistment service of the United States.

There is no use in using the words "discourage or attempt to discourage," as we conceived; and we agreed with the House conferees upon that proposition. They agreed to the other amendments proposed and adopted in the Senate, with the addition in line 23 of page 4 of the words I have just mentioned:

When the United States is at war the Postmaster General may—

And so forth. They insisted upon disagreeing to amendment numbered 6, which is the matter offered by the Senator from Maryland, in this language:

Provided, however, That nothing in this act shall be construed as limiting the liberty or impairing the right of any individual to publish or speak what is true, with good motives, and for justifiable ends.

The Senate conferees were obliged to yield on that amendment; and the report comes here practically with that the only

change made in the action of the Senate—the omission of that proviso from the bill—if the conference report is agreed to.

The effect of such a proviso in this measure would be to place upon the Government the burden of proving what? Either one of these offenses mentioned in amendment numbered 5, for instance, that the defendant did—

willfully utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States.

You not only must prove that as a fact beyond a reasonable doubt in order to secure a conviction, but, if the defendant is permitted to set up as a defense that what he said was true, and was said with good motives and for justifiable ends, then the Government must meet that, and carry the burden of proving beyond a reasonable doubt not only that these things were uttered which the language of the law condemns, but that they were not true, that they were not uttered with good motives, nor were they uttered for justifiable ends. Therefore, in order to secure a conviction under this act, the Government would have to establish not only that the defendant did or said the things that are condemned by the act, but, in addition, beyond a reasonable doubt, that those things were not true that he said or did, that they were not said or done with good motives, and that they were not said or done for justifiable ends.

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Missouri?

Mr. FLETCHER. I do.

Mr. REED. Does not the Senator think that is purely a matter of defense, and that the instruction of the court would be that if the defendant had uttered the words, and if those words had the effect condemned by the bill, they could find him guilty unless the jury further found that the words uttered were true, and that they were uttered for justifiable purposes? Would not that be the instruction?

Mr. FLETCHER. That might possibly be the form of the instruction; it might be put in that form; but I believe that the court would be obliged to instruct the jury, if requested by the defendant—as of course it would be—that the burden was on the Government to establish not only the fact that the defendant uttered this contemptuous, abusive, or profane language regarding the Government or the flag or the military or naval forces of the United States, but that what he said was not true, and was not uttered with good motives or for justifiable ends. I think if you put this provision in the law you will impose upon the Government the additional burden not only of proving the facts denounced in the bill but of proving that they were not true, and that they were not uttered with good motives and for justifiable ends. It hampers the Government. It gives the defendant the opportunity of coming into court with a plea under which he can exploit his views, under which he can read extracts from various authors by way of establishing the truth of what he has said, and by way of undertaking to justify the ends which he aimed to accomplish and the motives which prompted him.

Mr. SHERMAN. Mr. President, may I make an inquiry of the Senator on the matter he has just commented upon?

Mr. FLETCHER. I yield.

Mr. SHERMAN. Do I understand that according to the Senator's view this provision would impose upon the Government the burden of proof to show that the defendant did not make the statement objected to with good motives and for justifiable ends?

Mr. FLETCHER. I think that would be the effect of this provision.

Mr. SHERMAN. I never have seen, in any jurisdiction, or in any State or Federal prosecution for criminal libel or similar offenses, a case where the Government or the State in the first instance assumed the burden of proof, and was obliged to make it out as a part of the case for the prosecution. That is a matter to be set up by the defendant in defense.

Mr. FLETCHER. Precisely; and if this were limited to civil trials the rule to which the Senator refers would undoubtedly hold good. But a different principle controls the proof in civil cases than that which controls in criminal cases. In all criminal cases the case must be made out beyond a reasonable doubt. The burden is on the Government to establish beyond a reasonable doubt the charges laid in the indictment or complaint, and the charge laid in this indictment and complaint must include not only the facts stated in the language of the bill but the averment that the things charged were not true and were not for justifiable ends and with good motives. That must be the

charge in the indictment if you insert a provision like this, and the Government must prove beyond a reasonable doubt every one of these charges.

I concede that if the burden is on the plaintiff in a civil suit, it may be shifted to the defendant by his setting up a defense justifying his act. Then the burden is upon him to establish that. But that is not the rule governing the prosecution in criminal cases. The Government must establish the averments set forth in the indictment, and each and every one of them beyond a reasonable doubt. I believe the effect of such a proviso in this bill would be to impose upon the Government the burden of proving the averments in the indictment which would conform to the description of any offense that might be outlined in the language of the act itself, and, in addition to that, overcoming this which is allowed to be set up as a matter of defense.

Mr. SHERMAN. Mr. President—

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Illinois?

Mr. FLETCHER. I do.

Mr. SHERMAN. The very terms of the bill itself say that when the statement is made with good motives and for justifiable ends that shall be a complete defense. I think I give the substance of it. That is a matter of defense. In drawing an indictment the district attorney would not make averments negating the facts that constitute the matter of defense. It is enough for the Government simply to charge that by the utterance or printing of a certain series of words the offense is committed. Then the Government does not go further in the indictment and aver negatively that it was not for these purposes that might be set up in defense.

Mr. FLETCHER. Will not the Senator admit that this would destroy the usual rule that the defendant is presumed to intend the consequences of his act? If he is permitted to set up as a matter of defense that what he said or uttered was true, or that what he said or published was true, then the usual rule, after proving that what he had said or what he had published was in violation of the language of the act, would be overcome merely by the statement that what he said was true or what he published was true.

Mr. SHERMAN. But undoubtedly the district judge of a Federal court, in charging the jury, would instruct them that unless they were satisfied from all of the evidence that the defendant had brought himself within the provisions of the act, they must convict the defendant. That is the general rule, and I do not think this changes it.

Mr. FLETCHER. Very well. Now, without dwelling upon that any longer—because the time is very limited—I conceive that this provision is sound in the law of libel, that it reaches the situation in the case of publications in newspapers and that sort of thing; but this is a criminal statute, which is not directed merely to what may be published in some newspaper. It is not a libel at all. It is a criminal law intended to reach offenses against the United States; and, in my judgment, that provision has no place in a criminal statute.

Mr. FALL. Mr. President—

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from New Mexico?

Mr. FLETCHER. I do.

Mr. FALL. May I ask the Senator if it is not his opinion that this entire statute is intended to reach what is really an assault against the United States—an assault by words?

Mr. FLETCHER. Precisely.

Mr. FALL. It is not a libel nor a slander statute—

Mr. FLETCHER. Exactly.

Mr. FALL. But it is a statute designed to cover an assault. This is an assault upon the United States.

Mr. FLETCHER. That is what I claim, Mr. President. That is what I mean to say; and in that view the provision is misconceived as applicable to this kind of a statute. It does not impinge upon the right of free speech and free press, and that sort of thing, to enact provisions such as we propose to enact in this bill. This proviso, as I say, might be perfectly sound if we were enacting a statute on libel or slander; but this statute is not at all of that nature. It is in some respects similar to a statute dealing with criminal libel, but it covers a vast number of other things to which this proviso can not apply at all; and, as I say, it would practically mean that it would be impossible to convict a defendant charged with a violation of what we admit ought to be declared a breach of order or a violation of law. It gives him the opportunity to exploit his doctrines and his beliefs and his contentions in the courthouse, and to get better advertising and publicity, and to do more harm with those views. It imposes upon the Government a burden which it would be impossible for the Government to bear

successfully in the prosecution of many cases that ought to be prosecuted under the law.

I submit that we ought to adopt this conference report, which would, in effect, omit that provision from the bill as it came from the Senate.

Mr. BRANDEGEE. Mr. President—

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Connecticut?

Mr. FLETCHER. I yield.

Mr. BRANDEGEE. I want to speak about two minutes before the vote is taken; and I simply wanted to say to the Senator that I hope he will not take all the time. I have not taken a minute on the bill.

Mr. FLETCHER. I would have been through long ago if Senators had not interrupted me.

Mr. BRANDEGEE. I know.

Mr. FLETCHER. I realize that the time is short.

Mr. BRANDEGEE. I do not want to hurry the Senator, but I want him to fix it so that I can have two minutes.

Mr. FLETCHER. Precisely. I am not going to take longer time, Mr. President. I realize the situation.

I wish to insert in the Record a clipping from the Washington Post of May 2, which refers to the case mentioned by the Senator from Massachusetts [Mr. LODGE] this morning. Of course, I do not know what the facts are about that case; but I think there are other things in this editorial which are quite material, and that it ought to go into the Record. I think that a provision of this sort would encourage spies and people who are disposed to hamper and interfere with the proper prosecution of the war by the Government.

The VICE PRESIDENT. In the absence of objection, the editorial will be printed in the Record.

The matter referred to is as follows:

TENDERNESS TO SPIES.

A somewhat remarkable story is contained in the news dispatches. An individual held at Leavenworth prison acknowledges himself a deserter from the American Army. According to the statement, he was a spy before the entrance of the United States into the war. Working under the direction of one of the attachés of the German Embassy here, he spread German propaganda in various communities. Arrested later, he was released on promising to become an American citizen. He then joined the Army and further aided the German Embassy by forwarding important information. Desertion "by orders" from the same source followed. He is now to be interned for the duration of the war.

This story, if true, should be most encouraging to spies of all classes. Count Luxburg, if he has any sane moments remaining, must feel that Argentina has been unwarrantably severe in her treatment of one who would merely sink a few boats without a trace instead of plotting against a whole nation. Von Bernstorff and the gallant Boy-Ed will doubtless regret the passing burst of passion which dictated their abrupt departure for other climes. As for the lesser fry among the spies and traitors still in our midst, a marked increase of plotting and crime may be looked for.

They do things better in France. The Teuton in any guise is given very brief time to read his title clear. It behooves him to have credentials close at hand of the most convincing character. Should he fail, French courtesy still stretches to the extent of making a note of future condolences to his widow. So it is in Great Britain and Italy. Russia still embraces the Teuton propagandist in what is left of her once ample bosom, but the spectacle is not attractive, nor is it seemly that the United States should be as idiotic as the Bolsheviks in trusting the perfidious enemy.

Mr. BRANDEGEE. Mr. President, speaking of the spy question and the espionage question and the censorship question, I received this morning a letter signed by Irving Washburn, written upon the official stationery of the Assistant Attorney General at 641 Washington Street, New York City, with this statement upon it:

Address all communications to "The Assistant Attorney General."

Then there is the seal of the Department of Justice, with the American eagle, the symbol of freedom, flying above this notation:

In replying refer to I. W.

Which are the initials of the signer of the letter, Mr. Irving Washburn, whatever he may be.

I send the letter to the desk and ask that the Secretary read it.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

[Address all communications to "The Assistant Attorney General." (Seal of Department of Justice.) Customs Division. In replying refer to I. W.]

OFFICE OF ASSISTANT ATTORNEY GENERAL,
641 WASHINGTON STREET,
New York, May 3, 1918.

Hon. FRANK B. BRANDEGEE,
Senate Office Building, Washington, D. C.

DEAR SENATOR: In the New York World of yesterday morning you are quoted as saying of some one recently appointed by President Wilson, in substance, as follows:

"I only know that he was appointed by the President, and I take it from that that he has no qualifications."

Remembering you very well personally in connection with my visits to New London years ago in the matter of Anna W. Ferris, in which I was associated with your firm, I am solicitous to know if you are correctly quoted by the World.

I trust that you will look upon this as a desire to test the World rather than yourself, and shall be grateful to you for any reply you may wish to make.

Yours, faithfully,

IRVING WASHBURN.

Mr. BRANDEGEE. Mr. President, we have not passed any test act yet in this country, and I do not propose that that gentleman shall test me. He can test the New York World if he wants to, or any other newspaper, but he can not test me.

On page 5741 of the CONGRESSIONAL RECORD, under date of April 29, 1918, this colloquy ensued between the Senator from California [Mr. PHELAN] and me:

Mr. PHELAN. Mr. President—

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from California?

Mr. BRANDEGEE. I yield to the Senator from California.

Mr. PHELAN. May I address a question to the Senator from Connecticut?

Mr. BRANDEGEE. You may.

Mr. PHELAN. What is the business or profession of Mr. Borglum?

Mr. BRANDEGEE. He is a sculptor.

Mr. PHELAN. An artist?

Mr. BRANDEGEE. He is a great sculptor, like St. Gaudens.

Mr. PHELAN. Has he any qualifications to judge of flying machines?

Mr. BRANDEGEE. I do not know. The President selected him, and, therefore, I think probably he did not have any qualifications. [Laughter.] I do not know. Let the Senator from California go to his President and find out. I can not find out anything.

Now, I get a letter from an Assistant Attorney General, or somebody who has access to his stationery. I do not remember ever having met the gentleman, though he claims that he met me on some official business years ago. I have been informed since I came on the floor that he is connected with the customs department over in New York.

I think that is an outrage, Mr. President. If that is the way espionage and censorship is to be conducted in this country—if you can not say that you do not think the President appoints the right men to office, or that you do not think he is a good judge of men, or that you do not think the men he appoints have the proper qualifications—we may as well disband and set up a kind of a czarism in this country.

I read from the Constitution of the United States:

The Senators and Representatives * * * shall * * * be privileged from arrest during their attendance at the sessions of their respective Houses and in going to and returning from the same, and for any speech or debate in either House they shall not be questioned in any other place.

And this little "two spot" presumes to question me about whether I made the remark or not, and he says he does not want to test me, but he wants to test the New York World. Well, he is right there in New York. Let him test the New York World; I do not care; but I think it is an outrage, Mr. President.

Mr. SHERMAN. Mr. President, I quite agree with the Senator that it is; but I want to inquire if this is not an anticipation of the beginning of the reign of terror that is proposed under just such legislation as this; that every person who has a seal, or has sense enough to dictate a letter to a good stenographer who can write it out legibly and grammatically, will be addressing inquiries of that kind, especially when Congress adjourns, to every person who differs from these self-constituted despots?

Mr. BRANDEGEE. Why, we will have George Creel at the head of a firing squad here inside of three months if we pass this kind of legislation.

Mr. FLETCHER. Mr. President, is it not also true that Senators ought to be rather careful about making statements in their places on the Senate floor about men and about officials?

Mr. BRANDEGEE. The Senator must be the judge of his own conduct and I will be the judge of mine. I will make just such statements as I think I ought to make in this free democracy, and I will hold myself responsible for them to the full extent of the law.

Mr. FLETCHER. I am not saying this so much with regard to what the Senator from Connecticut has said; but my observation is based upon instances where Senators have stood on this floor and made statements that in my judgment were unfair and unjust to individuals and to officials. I think that is wholly wrong.

Mr. BRANDEGEE. Mr. President, I have the floor, and I say I do not care what any other Senator has said. If any Senator has made statements that were unwarranted, let him be held responsible. I never have made a statement, and I hope I never shall make a statement—I shall not intentionally do so—that I can not back up with the facts. If it has gotten so that a Senator of the United States can not stand on this floor and give utterance to his honest opinion in respectful language, differ as he may politically or in any other way, without being

called down by some Creel bureau or some little, miserable magazine scribbler, all of whom are on the Creel pay roll now—all the muckrakers are there—if it has gotten to that point, why, let us dissolve this Government and set up another bolshevik outfit.

Mr. THOMAS. Mr. President, the Senator says he is responsible for all the statements he makes upon the floor.

Mr. BRANDEGEE. I am.

Mr. THOMAS. I have no doubt that is true; but I wish to ask him what a "two spot" is? [Laughter.]

Mr. BRANDEGEE. The Senator has voted to confirm enough to know. [Laughter.]

Mr. THOMAS. Not enough to know just what that term means.

Mr. SMITH of Georgia. Mr. President, I regret that the conferees have abandoned this amendment numbered 6. I would rather it had been kept in. I do not agree at all with the views of the Assistant Attorney General as to its effect. I agree with the view of the Senator from Montana [Mr. WALSH] on that subject. But, Mr. President, if you will study carefully each one of the paragraphs preceding it, you will find that as to most of them it is necessary that the statements should have been false, and willfully false.

The only one of the paragraphs that I have been worried about is the one that uses the term "Army and Navy." I think there it applies to the entire Army or the entire Navy, and it really means that the language used should have been intended to bring the entire Army or the entire Navy into disrepute; not a fair criticism of an officer, not a criticism of aviation, not a criticism of some fault that is sought to be remedied and corrected whereby the Army as a whole would be brought into additional credit, would be made illegal by the bill.

I really think that the effect of the language is practically the same without amendment numbered 6 as it is with it, and it is very necessary that we should bring the legislation to a close. I voted for amendment numbered six. I am sorry it is not in the bill now, but I do not think the preceding language is dangerous without it.

I do not like section 4, which we put in in the Senate. I voted against it. I am sorry it was put in, but I think it is improved by the provision that it shall only last during the war.

The VICE PRESIDENT. Does anyone desire to occupy two minutes?

Mr. POINDEXTER. Mr. President, I should like to occupy about one. The most important part of the bill, in my opinion, is this part:

Whoever shall by word or act support or favor the cause of the German Empire or its allies in the present war or by word or act oppose the cause of the United States therein, shall be punished—

And so forth.

Then there was inserted in the bill, at the instance of the Senator from Maryland [Mr. FRANCE], a proviso to that which I have just read:

Provided, however, That nothing in this act shall be construed as limiting the liberty or impairing the right of any individual to publish or speak what is true, with good motives, and for justifiable ends.

The effect of these words was that if a man goes out and says, "I favor the German Empire in this war; I am going to support it. I think that the cause of Germany is a better cause than the cause of the United States. I am not going to buy any liberty bonds, and I am doing this from high idealistic love of the German people, the greatest people in the world, and the people of the United States ought not to stand in their way"—

The VICE PRESIDENT. The hour of 4 o'clock having arrived, in accordance with the unanimous-consent agreement the vote will now be taken. The question is on agreeing to the report of the committee of conference.

Mr. OVERMAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KENYON (when Mr. CUMMINS's name was called). I desire to announce the absence of my colleague [Mr. CUMMINS]. He is paired with the Senator from Montana [Mr. WALSH]. If my colleague were present, he would vote "nay."

Mr. GALLINGER (when his name was called). I made an arrangement to pair on this vote with the senior Senator from Virginia [Mr. MARTIN], and I am at liberty to transfer the pair. I transfer it to the Senator from Michigan [Mr. TOWNSEND] and vote "nay."

Mr. McNARY (when his name was called). I have a pair with the junior Senator from Idaho [Mr. NUGENT]. I transfer that pair to the senior Senator from Wisconsin [Mr. LA FOLLETTE] and vote "nay."

Mr. SWANSON (when Mr. MARTIN's name was called). My colleague [Mr. MARTIN] is unavoidably detained from the Senate.

He is paired as has been announced. If my colleague were present, he would vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG], but by an arrangement I am permitted to vote upon this question. I vote "yea."

Mr. ASHURST (when the name of Mr. SMITH of Arizona was called). My colleague [Mr. SMITH of Arizona] is absent from the Senate by reason of a death in his family. If he were present, he would vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. JONES of Washington (when Mr. TOWNSEND's name was called). The Senator from Michigan [Mr. TOWNSEND] is necessarily absent on account of illness in his family.

Mr. WALSH (when his name was called). I am paired on this vote with the Senator from Iowa [Mr. CUMMINS]. I transfer my pair to the Senator from Wyoming [Mr. KENDRICK] and vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. WORCOTT]. I transfer that pair to the senior Senator from New Jersey [Mr. FRELINGHUYSEN] and vote "nay."

Mr. WEEKS (when his name was called). I transfer my general pair with the Senator from Kentucky [Mr. JAMES] to the Senator from Michigan [Mr. SMITH] and vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. That Senator being necessarily absent upon business of importance, I transfer my pair to the senior Senator from Arkansas [Mr. ROBINSON]. I vote "yea."

The roll call was concluded.

Mr. KIRBY. I announce the unavoidable absence of the junior Senator from Mississippi [Mr. VARDAMAN], who is detained on official business.

I also announce the absence of my colleague [Mr. ROBINSON], who is absent in connection with the liberty-loan campaign. If my colleague were present he would vote "yea."

Mr. REED. I have a pair with the Senator from Michigan [Mr. SMITH]. By an arrangement with the Senator from Massachusetts [Mr. WEEKS], who is also paired, a transfer has been effected so that both of us may vote, the pair being between the Senator from Kentucky [Mr. JAMES] and the Senator from Michigan [Mr. SMITH]. I will therefore vote. I vote "nay."

Mr. BORAH. I desire to announce the unavoidable absence of my colleague [Mr. NUGENT] and to state that he is paired with the senior Senator from Oregon [Mr. McNARY].

Mr. FALL (after having voted in the affirmative). I neglected to announce that I have a general pair with the junior Senator from Wyoming [Mr. KENDRICK] who is unavoidably absent. I have an understanding with him, however, by which I may vote, and I will allow my vote to stand.

Mr. CURTIS. I was requested to announce that the Senator from Maine [Mr. FERNALD] is paired with the Senator from South Dakota [Mr. JOHNSON].

The result was announced—yeas 48, nays 26, as follows:

YEAS—48.

Ashurst	Hollis	Overman	Smith, Ga.
Bankhead	Jones, N. Mex.	Owen	Smith, Md.
Beckham	Jones, Wash.	Phelan	Smith, S. C.
Chamberlain	King	Pittman	Sterling
Colt	Kirby	Poin Dexter	Swanson
Culberson	Lenroot	Pomerene	Thompson
Fall	Lewis	Ransdell	Tillman
Fletcher	McCumber	Saulsbury	Trammell
Gerry	McKellar	Shafroth	Underwood
Guion	McLean	Sheppard	Walsh
Henderson	Myers	Shields	Warren
Hitchcock	Nelson	Simmons	Wildams

NAYS—26.

Borah	Gronna	Lodge	Smoot
Brandegge	Hale	McNary	Sutherland
Calder	Harding	New	Wadsworth
Curtis	Hardwick	Norris	Watson
Dillingham	Johnson, Cal.	Page	Weeks
France	Kenyon	Reed	
Gallinger	Knox	Sherman	

NOT VOTING—21.

Baird	James	Nugent	Townsend
Cummins	Johnson, S. Dak.	Penrose	Vardaman
Fernald	Kellogg	Robinson	Wolcott
Frelinghuysen	Kendrick	Smith, Ariz.	
Goff	La Follette	Smith, Mich.	
Gore	Martin	Thomas	

So the conference report was agreed to.

Mr. GORE subsequently said: I wish to state that had I been present when the vote was taken on the conference report on the so-called espionage bill, I would have voted "nay."

AMENDMENT OF NATURALIZATION LAWS—CONFERENCE REPORT.

Mr. HARDWICK. I move that the Senate proceed to the consideration of the conference report upon the disagreeing votes of the two Houses on the bill (H. R. 3132) to amend section 2171 of the Revised Statutes of the United States relating to naturalization.

Mr. HITCHCOCK. The Senator will not insist on having the conference report disposed of to-day.

Mr. HARDWICK. I shall not insist on having it disposed of to-day, but I want to make it the unfinished business before the Senate.

Mr. HITCHCOCK. Very well.

The VICE PRESIDENT. The question is on the motion of the Senator from Georgia.

The motion was agreed to.

PARITY OF THE AMERICAN DOLLAR ABROAD.

Mr. OWEN. I offer the following resolution.

The resolution (S. Res. 238) was read, as follows:

Resolved, That the Secretary of the Treasury is hereby directed to advise the Senate of the amount severally of commercial and financial bills payable in terms of the currency of the neutral nations of Europe which have been bought and sold severally by the member banks of the Federal Reserve System and other banks and banking houses dealing in foreign exchange in the city of New York from January 1 to April 1, 1918, and the amount of profit in such transactions, and to advise the Senate what steps have been taken to protect the par value of the American dollar in the neutral countries of Europe and what is the amount of foreign balances held in the United States at this time by such neutral nations.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. HARDWICK. I did not understand that a request would be made for the immediate consideration of the resolution.

Mr. OWEN. Yes; I do not think it will require any discussion at all. No one will, I think, object to the information desired.

Mr. HARDWICK. I would not like to have the matter before the Senate as the unfinished business displaced.

Mr. OWEN. Oh, no; I did not intend that.

Mr. HARDWICK. The unfinished business can be laid aside pending the consideration of this resolution.

Mr. OWEN. I supposed it was temporarily laid aside from what the Senator said.

Mr. HARDWICK. I have no objection to the consideration of the resolution if it does not displace the unfinished business.

Mr. SMOOT. I object.

The VICE PRESIDENT. Objection is made, and the resolution will go over.

RENTAL OF PROPERTY IN THE DISTRICT OF COLUMBIA.

Mr. SAULSBURY. I ask unanimous consent to submit a report from the Committee on the District of Columbia on the joint resolution (S. J. Res. 152) to prevent rental profiteering in the District of Columbia, for which I propose to ask unanimous consent for immediate consideration.

Mr. SMOOT. Not to-night?

Mr. SAULSBURY. I have been instructed by the committee to ask the Senate for immediate consideration, and I trust that the Senator from Utah will not make an objection under those circumstances. The committee considers it of very great importance. I ask that the joint resolution be read.

The joint resolution was read, as follows:

Resolved, etc., That until the adjournment sine die of the present session of the Congress no judicial order for the recovery of possession of any real estate now or hereafter held or acquired by oral or written lease, or for the ejectment or dispossession of a tenant therefrom, shall be made, and all leases thereof shall continue so long as the tenant continues to pay rent at the agreed rate and performs the other conditions of the tenancy, except on the ground that the tenant has failed to take reasonable care of the premises or has committed waste, or has been guilty of conduct which is a nuisance or amounts to a disturbance of the peace of adjoining or neighboring occupiers or a violation of law, or that the premises are reasonably required by a landlord for occupation by himself or his family while in the employ of or officially connected with the Government; and where such order has been made but not executed before the passage of this resolution the court by which the order was made may, if it is of the opinion that the order would not have been made if this resolution had been in force at the date of the making of the order rescind or modify the order in such manner as the court may deem proper for the purpose of giving effect to this resolution: *Provided*, That any provision in any oral or written lease that the same shall be determined or forfeited if the premises shall be sold is hereby declared to be void while this resolution shall be in force, and every purchaser shall take the conveyance of any premises subject to the rights of all tenants in possession thereof under the provisions of this resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. GALLINGER. I wish to ask the Senator from Delaware what relation this matter has to a general bill dealing with the subject which I think has passed the other House and is now before the committee of which the Senator is a member?

Mr. SAULSBURY. I was going to ask an opportunity to explain very briefly why the joint resolution is pressed in this fashion. The District Committee is now considering a bill which came from the House providing for stopping the rent profiteering which we are satisfied has become prevalent in the District of Columbia.

The District Committee of this body, however, has attempted to deal with the subject in a very different way from that provided for in the House bill. The difference is in principle, and a conference committee will of necessity be appointed to consider it, and the deliberations of that conference committee will doubtless be very long extended.

The object of this joint resolution is to preserve the status of landlord and tenant in the District just as it now exists, so that leases may not be terminated during the time we are endeavoring to pass a bill to provide reasonable justice for the short-term tenants in the District of Columbia.

The committee has been informed, it has testimony to the effect that there are rows and rows of houses upon streets in this city which have been heretofore rented to the same tenants for years, and all those tenants have been given notice under a 30-day clause to quit the premises. The effect of the joint resolution will be to hold the status of those tenants in these houses, which would otherwise be determined within the next 30 days under the terms of the lease, until Congress can have an opportunity of dealing fairly with the question, and both Houses can have an opportunity of determining just what sort of a remedy should be applied. It is the sole object of the joint resolution to preserve the status pending the effort of Congress to enact suitable legislation to meet the conditions now in the District of Columbia.

Mr. GALLINGER. Suppose that the bill the Senator's committee has in charge does not become a law at this session of Congress, what then? Does the joint resolution simply extend to the end of the present session?

Mr. SAULSBURY. It simply operates during the session of Congress and until Congress adjourns.

I will say to the Senator, Mr. President, that the provisions of this joint resolution, of course, require that the tenants shall comply in regard to the payment of rent, care of the property, and all of the ordinary duties of the tenant, or he may be ousted under the terms of the notice which may be given. His rent must be paid; every provision must be lived up to. The only change that this attempts to make is that he can not be ejected until Congress has an opportunity to deal with this matter.

Mr. GALLINGER. Mr. President, I will venture to ask the Senator from Delaware if the testimony before the committee shows that this so-called profiteering is to any great extent prevailing, or is it in exceptional cases only?

Mr. SAULSBURY. I may say that I think from the testimony we have, that every member of the District Committee is satisfied that there has been so much rent profiteering and so much is threatened in this District that it is very necessary that Congress should deal with this subject at as early a day as possible.

This joint resolution is reported, Mr. President, by the unanimous vote of the District Committee, and they instructed me to see that it had just as early consideration as it was possible to obtain.

Mr. GALLINGER. If this joint resolution is passed, it will be a most extraordinary form of legislation, inasmuch as it will interfere with the relation of tenant and landlord.

Mr. SAULSBURY. I agree fully with the Senator from New Hampshire; but this is an extraordinary condition which we feel it our duty to try to meet.

Mr. GALLINGER. I will say nothing further on the matter now, Mr. President.

Mr. SMOOT. Mr. President, I want to ask the Senator from Delaware if I understood the meaning of the joint resolution in one particular. If there is no lease held by the tenant, does it prevent the owner of a house from selling that house if there is a tenant in it and the owner wants it vacated?

Mr. SAULSBURY. It applies to no case where there is not a lease, either verbal or written. It provides, in the case of any sale made during the operation of this joint resolution—just as the committee have agreed in the bill to be reported by them—that during a certain time the property shall be conveyed with due regard to the possession of the tenant; and the provision which we intend to insert and which the committee has agreed upon in the bill before it, I will say to the Senator, is that the tenant may continue so long as he pays a fair rental, based on conditions as they existed on October 1, 1917.

Mr. BORAH. Does the Senator from Delaware think that any considerable injury would be done to anybody by this joint resolution going over until Monday? It involves a very important

matter, and nobody knows what the contents of the joint resolution are except members of the committee. While we have the utmost confidence in the committee, it does seem that there ought to be some consideration of the measure upon the part of this body before it is passed. It will affect every property holder in the city.

Mr. SAULSBURY. I thoroughly agree with the Senator from Idaho that the contents of this joint resolution should be known and understood; and I have tried to make clear just exactly what it contains. I do not know whether or not the Senator was present when I did so.

Mr. BORAH. I was listening to the Senator.

Mr. SAULSBURY. I simply thought this was a favorable opportunity, upon the explanation of the agreement of the members of the committee and what our conclusions were, to get the joint resolution passed. If there is any objection to its consideration, of course it will not now go through. It requires that I shall have unanimous consent for its present consideration.

Mr. LODGE. Mr. President, do I understand that this joint resolution provides that if a man has a house which is rented he has got to continue to rent it to the tenant and that he can not sell it?

Mr. SAULSBURY. Oh, no; but the committee has deemed it necessary to provide that any sales which may occur in this city, for a limited time, shall be subject to the rights of the tenant as construed and as prescribed by the act which we propose to bring in as soon as it can be reported.

Mr. LODGE. Then a man could not change his tenant?

Mr. SAULSBURY. A man could not change his tenant under the terms of the bill which will be reported to the Senate unless that tenant has failed to pay rent or has committed some act which is a nuisance or which affects the property in some injurious fashion.

Mr. LODGE. While I suppose some legislation in reference to this matter may be necessary, it seems to me this is very extraordinary legislation.

Mr. SAULSBURY. It is very unusual legislation. If it is thought necessary to go into all the reasons and the testimony which shows that this legislation is necessary in this District, that would doubtless consume more time than we shall have at our disposal this afternoon.

Mr. LODGE. It is not merely that the right of sale is limited, but the tenant is given a right in a house to which he has no title whatever.

Mr. SAULSBURY. The tenant's possession will be continued, provided he remains a good tenant under the terms of the lease with which he entered into possession, that he pays his rent, and properly conducts himself as a tenant with respect to the property.

Mr. GALLINGER. Mr. President, I understood the Senator from Delaware to say that unanimous consent had been given for the consideration of this joint resolution. I did not so understand.

The VICE PRESIDENT. No; unanimous consent has not been given for the consideration of the joint resolution.

Mr. SAULSBURY. I said that it was necessary for me to obtain unanimous consent in order to have the joint resolution considered.

Mr. GALLINGER. Well, Mr. President, I want to look into this matter, and I object to the present consideration of the joint resolution.

INCREASE OF PENSIONS.

Mr. SMOOT. Mr. President, as the conference report on the immigration bill is the unfinished business, I want to take just a moment of the time of the Senate to make a brief statement. Ever since February 8, 1918, the pension bill has been upon the calendar of the Senate. I secured consideration of that bill for about 50 minutes. Evidently I am not going to again get it up unless the Senate will vote to displace some other legislation. I therefore wish now to give notice to Senators who are in favor of that bill that at the earliest opportunity I intend to move for its consideration, even though it may displace some other matter which may then be the unfinished business. I shall not now object if the Senator from Georgia desires to have the conference report laid aside.

Mr. HARDWICK. I do not want to lay the conference report aside. I should like to go on with it, but the Senate has been pretty steadily engaged to-day, and I presume the general desire will be for an adjournment for the afternoon.

EXECUTIVE SESSION.

Mr. HITCHCOCK. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 35 minutes spent in executive session the doors were reopened.

PRICE OF COTTON.

Mr. GORE. Mr. President, I ask unanimous consent to have inserted in the RECORD a copy of a letter I wrote to Hon. W. L. McKee, relative to the fixing of the price on cotton.

The VICE PRESIDENT. Without objection, it is so ordered. The letter referred to is as follows:

SHELBY, Miss., April 20, 1918.

Hon. W. L. McKee,
Memphis, Tenn.

I mark with interest that you are taking timely steps to resist at its birth any attempt to legislate a price on cotton. As chairman of the Senate Committee on Agriculture, I desire to assure you that I shall at this juncture oppose by all the means known to parliamentary usage any attempt at such legislation. I shall resist any effort to fix a price on cotton with as much determination, and I trust with more success, than I resisted the fixing of a price on wheat. The fact that an injustice was inflicted upon the wheat farmer would not justify a like injustice upon the cotton farmer. Equal injustice is not a thing to be desired. The farmers are unorganized. They therefore can not be profiteers. No man, no set of men, can be stigmatized as profiteers who do not and who can not exact more for their product than the law of supply and demand awards. They are entitled to that price both in peace and in war. Let business prosper. Prosperity is one of our best aids and assets in this terrific struggle. The expenses of this war should be met by the levy of taxes and the sale of bonds and not by forced loans in the form of reduced prices, a polite name for confiscation. Of course the Government can fix prices, but it can not do so without working incalculable mischief and injustice. Price fixing is one of the oldest blunders known among the sons of men. It runs back as far as the reign of Hammurab in Babylon, 2,250 years before Christ. It is one dreary and invariable tale of disappointment and defeat, and oftentimes of disaster. In 1770 the Government of Calcutta fixed too low a price on wheat. The people lived sumptuously every day. They mistook cheapness for plenty. Famine followed fast upon their feasting. Our Government has fixed a price on wheat less than the law of supply and demand would award; that discourages production and encourages consumption. That is the reverse of a sound policy. We should not repeat this blunder as to cotton. I doubt if a law fixing the price of cotton can be passed, although the meeting held in Washington on April 10 between the representatives of the cotton manufacturers and the price-fixing committee of the War Purchasing Board may excite the fear that the price of cotton can be arranged or stabilized, which is the current camouflage synonym for reduction. I do not think that Congress itself will fix the price of cotton, notwithstanding the attitude of certain southern Congressmen toward wheat, and notwithstanding the fact that a portion of the southern press has stigmatized the wheat farmers and their friends as profiteers and has wantonly accused them of an attempt to extort blood money from their suffering countrymen. Such criticism, intemperate, intolerant, untrue, and unprovoked as it is, would not justify an appeal to the law of retaliation, for such an appeal would inevitably sin against the fundamental laws of economics, if not against the principles of justice itself.

T. P. GORE,
United States Senator.

ADJOURNMENT.

Mr. HITCHCOCK. I move that the Senate adjourn.

The motion was agreed to; and at 5 o'clock p. m. (Saturday, May 4, 1918) the Senate adjourned until Monday, May 6, 1918, at 12 o'clock meridian.

NOMINATION.

Executive nomination received by the Senate May 4 (legislative day of May 2), 1918.

WAR FINANCE CORPORATION.

Clifford M. Leonard, of Illinois, to be a director of the War Finance Corporation for a term of two years.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 4 (legislative day of May 2), 1918.

WAR FINANCE CORPORATION.

Angus W. McLean to be a director of the War Finance Corporation.

William P. G. Harding to be a director of the War Finance Corporation.

GOVERNOR OF HAWAII.

Charles J. McCarthy to be governor of Hawaii.

UNITED STATES MARSHALS.

Leroy C. Jones to be United States marshal, district of Idaho.

Daniel F. Hudson to be United States marshal, district of Wyoming.

APPOINTMENT IN THE NATIONAL ARMY.

GENERAL OFFICER.

Lieut. Col. Robert E. Wood to be a brigadier general.

WITHDRAWAL.

Executive nomination withdrawn from the Senate May 4 (legislative day of May 2), 1918.

WAR FINANCE CORPORATION.

Allen B. Forbes to be a director of the War Finance Corporation.

HOUSE OF REPRESENTATIVES.

SATURDAY, May 4, 1918.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Source of light, life, and love, we seek Thee in prayer, that by Thy grace we may be able to resist evil and cleave to that which is good and with persistent energy and untiring zeal go forward with the work Thou hast appointed us to do, without the fear or favor of men; in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

THIRD LIBERTY LOAN IN ARKANSAS.

Mr. TILLMAN rose.

The SPEAKER. For what purpose does the gentleman rise.

Mr. TILLMAN. Mr. Speaker, my State and district have made such remarkable records in the matter of the third liberty loan that I desire to insert a few figures in respect to it in the Record.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to extend his remarks in the Record in respect to the liberty loan in Arkansas. Is there objection?

There was no objection.

Mr. TILLMAN. Mr. Speaker, I desire to say in this connection that my State has gone far over the top in the third liberty loan, and the third district, which I have the honor to represent, has likewise far exceeded its quota. My home town and county have exceeded its quota by 50 per cent; every county and practically every township in my district has more than met the requirement as to subscriptions for liberty loans and war-savings stamps. My people are 100 per cent Americans.

I publish a letter on this subject from my home town, and also give a few facts about my State, the best and most progressive State in the Union:

LIBERTY LOAN ORGANIZATION OF WASHINGTON COUNTY,
Fayetteville, Ark., April 29, 1918.

Washington County, Ark., is 50 per cent oversubscribed.

In the first week of the third liberty loan campaign, this county bought its entire quota of bonds, \$416,750; at the end of the second week (beginning of the third) our county chairman notified both the State chairman and the district manager that we were then 25 per cent oversubscribed. It is now 50 per cent over, and we have a large enough number to entitle us to an honor flag. The messages mentioned above seem to have been overlooked, and the object of this letter is to correct the misrepresentations being made in Arkansas Legion bulletins.

Respectfully,

BRUCE HOLCOMB, Chairman.
W. J. HAMILTON,
Director Publicity.

Quota	\$416,750
Already subscribed (still climbing)	\$628,000
Number of subscribers (still climbing)	2,500

The State of Arkansas has few millionaires, no poorhouses, possesses the only diamond mines on this continent, the hottest springs in the world, and the greatest pearl fisheries in the country.

A truly remarkable State and a highly prosperous one is Arkansas. From her bauxite mines is made 90 per cent of the aluminum used in the United States.

From her coal mines comes smokeless coal used by the United States Navy.

In Pike County is the largest Elberta peach orchard in the world—3,500 acres under one management. Benton and Washington Counties have a larger acreage in apple orchards than any other two counties in the United States—10,000,000 trees. In rice production Arkansas ranks third in the country, with a yield of 6,312,000 bushels in 1916—worth \$6,110,000 to the farmer and an increase in production over 1915 of 1,470,000 bushels.

Arkansas's cotton crop alone brought \$73.54 to every man, woman, and child in the State.

After supplying a good part of the food for its 1,750,000 people, the farmers of Arkansas in 1916 received \$272,351,500 from their surplus crops.

Arkansas's farm crop for 1916

	Quantity.	Price.	Total.
Cotton, bales.....	1,145,000	\$0.18	\$103,050,000
Cotton seed, tons.....	570,000	45.00	25,650,000
Corn, bushels.....	46,800,000	1.20	56,160,000
Wheat, bushels.....	1,856,000	1.50	2,784,000
Oats, bushels.....	6,846,000	.75	5,134,500
Hay, tons.....	429,000	15.00	6,435,000
Rice, bushels.....	5,115,000	1.00	5,115,000
Peas and beans, bushels.....	600,000	3.00	1,800,000
Apples, barrels.....	2,000,000	2.50	5,000,000
Cantaloupes.....			500,000
Potatoes, Irish, bushels.....	1,620,000	1.50	2,430,000
Potatoes, sweet, bushels.....	2,730,000	.75	1,365,000
Peanuts, bushels.....	1,000,000	.75	750,000
Peaches, crates.....	4,000,000	1.50	6,000,000
Berries, crates.....	1,500,000	1.50	2,250,000
Garden vegetables.....			12,500,000
Dairy products, surplus.....			5,000,000
Molasses, gallons.....	1,000,000	.50	500,000

Arkansas's farm crop for 1916—Continued.

	Quantity.	Price.	Total.
Poultry products, surplus.....			\$5,000,000
Honey and beeswax, pounds.....	1,000,000		112,000
Cattle, head (increase).....	338,000		6,720,000
Hogs, head (increase).....	1,589,000		10,224,000
Horses and mules, head (increase).....	75,000		7,500,000
Sheep, head (increase).....	124,000		372,000
Total.....			272,351,500

Added to this wealth of production was \$40,640,000 contributed by the pine and hardwood forests in lumber and building material; \$6,603,845 supplied by the mines in coal, lead, clay, zinc, manganese, bauxite, and stone; and \$114,897,000 more by its 2,025 factories, mills, and other industries.

"FOR GOD'S SAKE, HURRY UP!"

Mr. POU. Mr. Speaker, I ask unanimous consent to address the House for not to exceed 10 minutes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to address the House for not to exceed 10 minutes. Is there objection?

Mr. GILLET. Mr. Speaker, reserving the right to object, upon what subject?

Mr. POU. Mr. Speaker, I desire to discuss the post-card offensive launched against the membership of this House telling us to hurry up.

The SPEAKER. Is there objection?

There was no objection.

Mr. POU. Mr. Speaker, during the last few days Members of this House have been subjected to a post-card offensive bringing to us the last words of a distinguished American statesman and diplomat, "For God's sake, hurry up!" "The tongues of dying men enforce attention like deep harmony," and anything spoken by the eminent Joseph H. Choate will always receive the utmost respect and consideration from the American people.

Now, Mr. Speaker, if this offensive were launched to impress upon us the seriousness of the hour, the danger, the horror of German domination, we submit without protest, just as every patriotic man who is doing all he knows how to do for his country welcomes any suggestion which shows him how he may do a little better. But if this hurry-up offensive is intended to imply that the House of Representatives has failed in a prompt, patriotic, and vigorous performance of its duty to the American people, I for one repudiate such implication utterly. Why should this House of Representatives be told to hurry up? Let any man name one demand which has had the solid backing of the American people which we have put aside. Surely there have been times when it seemed we might have acted with less debate, but it must be remembered we are laboring under responsibilities, larger by far than the wildest dream of any American before this war broke upon the world. Our predecessors in this Chamber were called upon to raise revenues counted in millions. We must provide for the raising of billions. Is it surprising, indeed, is it not natural, that a note of warning is heard as we proceed in the performance of these unprecedented duties?

What does the record show? It shows that this Congress has enacted by far more legislation than any Congress since the Civil War, and yet we are told to "hurry up." [Applause.] The Committee on Rules since we organized have authorized 26 favorable reports. Of course, a few of these reports—perhaps half a dozen—were not presented to the House, but the time consumed in debating all reports which have been presented is not equal to one legislative day [applause], and yet members of the Committee on Rules are told by the signers of these post cards to "hurry up." Oh, no, Mr. Speaker, it is not necessary to urge this House of Representatives to hurry up.

If I may be pardoned for speaking of the committee of which I am a member, I will say here and now that every one of the 12 members of the Committee on Rules is ready every minute to unite in instant and unanimous report to bring before the House any measure necessary to aid in winning the war. We have with the utmost determination and promptness responded to every proper demand. No man need tell us to hurry up, but God bless any man who can tell us how we can make better time.

Mr. Speaker, there were differences among us in the beginning of this war. But there is one proposition about which there is now no division in this Chamber. Germany may as well understand that America will never submit to a peace dictated by Berlin. Oh, it wrings the heart to think of the horrors of a prolonged war. May the good God be moved to look down with pity and put an end to the bloody work. We do not wish to kill; we would not destroy anything needful or useful to our fellow

man. But Americans know now, if they have not realized heretofore, that free America can not survive if Germany wins. And we will not submit to German domination or to any foreign domination. We will not be slaves if the war lasts for a generation and consumes all of our wealth. Our wealth is not worth having if we are not free. I do not believe there is a man in this Chamber who would hesitate to give all he has, if it shall become necessary to give all, in order to win; and I will say something more. It is much easier to talk than to act. When I see these boys getting ready to go to the front, cheerful and smiling, I can not help wondering if I, too, could go cheerful and smiling if I were called upon to do so; but, as God is my judge, I do not believe there is a Member of this body, from the Speaker down, who has a son wearing the khaki who would not, if he could, take the place of his boy if by doing so he could save that boy. I say no man knows for certain what his conduct would be until he is called upon to act; but I am just as firm in the conviction that every father in this Chamber would, if he could, take the place of his boy at the front as I am that I am living here and now.

Mr. Speaker, I do not trespass very often upon the time of the House, but when I see a body of 435 men ready, anxious, eager to do their full duty with a common purpose in view, who up to this good hour have acted promptly and with singular unanimity. I can not help feeling it is strangely out of place for some organization to put in motion a post-card chain addressed to the membership of the House of Representatives telling us, "For God's sake, hurry up!"

Mr. LITTLE. I ask unanimous consent of the House to proceed for another five minutes, in view of the interruptions.

The SPEAKER. The gentleman asks unanimous consent to speak for five minutes. Is there objection?

Mr. FLOOD. Mr. Speaker, I object.

The SPEAKER. The gentleman from Virginia objects.

Mr. NEELY. Regular order!

Mr. LITTLE. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. FLOOD. That is all right, if the gentleman chooses to delay an important bill, such as the passport bill, in order to get five minutes, he can raise that question.

The SPEAKER. This is not debatable. The gentleman from Kansas makes the point of order that there is no quorum present, and evidently there is none.

Mr. KITCHIN. Mr. Speaker, I suggest that the gentleman withdraw his point. I move a call of the House.

The SPEAKER. The gentleman from North Carolina moves a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Bacharach	Flynn	LaGuardia	Rowe
Baer	Focht	Lee, Ga.	Rowland
Barkley	Fordney	Leibach	Sanders, La.
Barnhart	Foss	Lever	Sanders, N. Y.
Borland	Fuller, Mass.	Linthicum	Schall
Brodbeck	Gard	Littlepage	Scott, Pa.
Browning	Garland	Lobeck	Scully
Brumbaugh	Godwin, N. C.	Longworth	Shackleford
Burroughs	Goodall	McAndrews	Sherley
Campbell, Pa.	Gould	McFadden	Shouse
Carew	Graham, Pa.	McLaughlin, Pa.	Siegel
Carter, Mass.	Gray, Ala.	McLemore	Siepm
Clark, Pa.	Gray, N. J.	Maher	Smith, T. F.
Cleary	Green, Iowa	Mann	Stafford
Coady	Gregg	Miller, Minn.	Steele
Cooper, Ohio	Griest	Mondell	Stephens, Nebr.
Cooper, W. Va.	Griffin	Moore, Pa.	Sterling, Ill.
Copley	Hamill	Morin	Sterling, Pa.
Costello	Hamilton, N. Y.	Mott	Sullivan
Curry, Cal.	Haskell	Mudd	Sumners
Dale, N. Y.	Hawley	Olney	Sweet
Dale, Vt.	Heaton	O'Shaunessy	Swift
Darrow	Heintz	Overmyer	Tague
Davis	Holland	Palge	Talbot
Delaney	Hood	Phelan	Temple
Denison	Howard	Platt	Templeton
Dewalt	Humphreys	Polk	Thompson
Dies	Husted	Porter	Tinkham
Dillon	Hutchinson	Powers	Vestal
Donovan	Jacoway	Price	Voigt
Dooling	Johnson, S. Dak.	Ragsdale	Waldow
Drukker	Jones	Ramsey	Watson
Dunn	Kelly, Pa.	Reavis	Ward
Egan	Kennedy, R. I.	Riordan	Watson, Pa.
Estopinal	King	Robbins	Winslow
Fairchild, R. I.	Kraus	Robinson	Woodward
Fairchild, G. W.	Kreider	Rogers	Zihlman
Farr		Rose	

The SPEAKER pro tempore (Mr. CRISP in the chair). Two hundred and seventy-eight Members are present, a quorum.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors.

PASSPORT REQUIREMENTS.

The SPEAKER pro tempore. The unfinished business is the bill H. R. 10264. The gentleman from Virginia [Mr. FLOOD] is recognized, and has 25 minutes remaining of his time.

Mr. FLOOD. I understand the gentleman from Wisconsin wanted five minutes. I can yield to him now.

Mr. COOPER of Wisconsin. I yield five minutes to the gentleman from Indiana [Mr. BLAND].

Mr. BLAND. As I understand it, I am not required to confine myself to the bill.

The SPEAKER pro tempore. The Chair will state that under the rules of the House when there is a discussion in the House, if the point of order is made the discussion has to be confined to the bill. The Chair is not going to make the point.

Mr. BLAND. I understood there was such an agreement between the two gentlemen.

Mr. FLOOD. No point will be made.

The SPEAKER pro tempore. The Chair is not going to make any.

Mr. COOPER of Wisconsin. Mr. Speaker, the understanding was between the gentleman from Virginia [Mr. FLOOD] and myself that the gentleman from Indiana might speak out of order for five minutes.

The SPEAKER pro tempore. Without objection, the gentleman from Indiana is recognized for five minutes, the discussion not to be confined to the subject matter of the bill.

Mr. BLAND. Mr. Speaker—

Mr. COOPER of Wisconsin. Mr. Speaker, I would like the attention of the gentleman from Virginia [Mr. FLOOD]. I have received requests aggregating 20 minutes for general debate. That is all I will ask. One gentleman wants three minutes, and the others make the aggregate 20 minutes.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that my time may be extended 30 minutes.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent that his time be extended 30 minutes. Is there objection? [After a pause.] The Chair hears none. Does the gentleman yield any of that time?

Mr. FLOOD. I am going to yield, amongst others, 15 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

The SPEAKER pro tempore. The Chair has already put the question and has stated that there was no objection.

Mr. HUDDLESTON. Mr. Speaker, I was on my feet.

The SPEAKER pro tempore. The Chair did not see the gentleman, and the gentleman did not address the Chair.

Mr. HUDDLESTON. I think I did, but in such a modest way that the Chair did not hear it.

The SPEAKER pro tempore. The Chair will put the question again. Did the gentleman object?

Mr. HUDDLESTON. I rose to reserve the right to object, and I wanted to inquire if I could not arrange to offer an amendment. I understand the gentleman from Virginia [Mr. FLOOD] intends to move the previous question at the end of his time, and I want to have an agreement that I can offer an amendment during the 15 minutes he gives me.

Mr. FLOOD. I think the gentleman will have that right. I will offer no objection.

The SPEAKER pro tempore. The Chair understands that the gentleman asks unanimous consent that his time be extended 30 minutes, that he proposes to yield 20 minutes of his time to the gentleman from Wisconsin [Mr. COOPER] and 15 minutes to the gentleman from Alabama [Mr. HUDDLESTON], and that the gentleman from Alabama be permitted to offer an amendment and have it pending?

Mr. FESS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FESS. May I ask whether the gentleman from Alabama may not offer his amendment in his 15 minutes, whether anybody objects or not?

The SPEAKER pro tempore. Under the rules, when time is yielded to a person for debate he does not have the right to offer an amendment. If he is recognized in his own right, he has the right to offer an amendment.

Mr. GILLET. Does the gentleman from Virginia mean by that that he does not intend any other amendment shall be offered?

Mr. FLOOD. There are a number of committee amendments. My purpose was, when we got through with the debate, to call for the previous question on the bill and amendments, and I

would suggest to the gentleman that if there are any more amendments to be offered that we arrange that now.

Mr. CANNON. Will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Illinois.

Mr. CANNON. I would like to see an amendment offered here to except Canada from the operations of this bill.

Mr. FLOOD. I will say to the gentleman I could not offer that amendment. The gentleman made that suggestion yesterday, and I took it up with officials of the State Department this morning, and they are very much opposed to passing a rule excepting anybody. As I stated yesterday, there are no passports required to go to Canada. It is not the expectation that passports will be required, but conditions might develop in the summer or during the recess of Congress or some time during the progress of the war that would make application for passports to Canada just as desirable as to any other country.

Mr. CANNON. Yes; and the moon might turn into green cheese.

Mr. CONNALLY of Texas. Mr. Speaker, reserving the right to object—

Mr. FLOOD. Mr. Speaker, I will have to ask for 40 minutes extension.

The SPEAKER pro tempore. Now, the Chair understands the gentleman from Virginia has 20 minutes. He has yielded to the gentleman from Indiana 5 minutes, leaving him 15 minutes, and he asks that his time be extended 40 minutes.

Mr. FLOOD. Twenty minutes of which time is to be yielded to the gentleman from Wisconsin [Mr. COOPER].

The SPEAKER pro tempore. Twenty minutes of which is to be yielded to the gentleman from Wisconsin and 15 minutes to the gentleman from Alabama [Mr. HUDDLESTON], and during the occupancy of the floor by the gentleman from Alabama he is to be permitted to offer an amendment. Is there objection?

Mr. MILLER of Washington. Mr. Speaker, reserving the right to object, I would like five minutes and would like the privilege of presenting an amendment to the bill.

The SPEAKER pro tempore. Does the gentleman from Virginia modify his request?

Mr. FLOOD. Make it 45 minutes, then, and I will yield 25 minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. MILLER of Washington. I wish to offer an amendment.

Mr. LITTLE. Reserving the right to object, Mr. Speaker, I would like to get 10 minutes to speak. I am not sure whether the gentleman from Wisconsin will give me that or not.

Mr. GILLET. Does the gentleman want to speak on the bill?

Mr. LITTLE. No. We have carte blanche for general debate.

Mr. COOPER of Wisconsin. I ask for that time in part to accommodate the gentleman from Kansas.

The SPEAKER pro tempore. Does the gentleman from Virginia modify his request? The gentleman from Wisconsin has asked that the time be extended and that 10 minutes of the time be given to the gentleman from Kansas [Mr. LITTLE]. Does the gentleman from Virginia modify his request?

Mr. FLOOD. I do not.

Mr. LITTLE. I object, then.

Mr. COOPER of Wisconsin. I was to give the gentleman 10 minutes.

Mr. LITTLE. Then I will withdraw my objection.

The SPEAKER pro tempore. The Chair will state again the request of the gentleman from Virginia. The gentleman from Virginia asks unanimous consent that the general debate be limited to 45 minutes, 30 minutes to be controlled by himself and 15 minutes to be controlled by the gentleman from Wisconsin [Mr. COOPER], to be divided as follows: Five minutes to go to the gentleman from Indiana [Mr. BLAND], 15 minutes to be yielded to the gentleman from Alabama [Mr. HUDDLESTON], 10 minutes to the gentleman from Kansas [Mr. LITTLE] and 5 minutes to the gentleman from Washington [Mr. MILLER]; and the gentleman from Washington and the gentleman from Alabama shall be permitted to offer amendments.

Mr. BLAND. Does that include the time allotted to me?

The SPEAKER pro tempore. Yes. The time has been allotted to the gentleman. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The gentleman from Indiana is recognized for five minutes.

Mr. BLAND. Mr. Speaker, I would hesitate to discuss the matter, which I want to discuss briefly at this time, were it not for the agreement made here by gentlemen who control the time that I should speak on a matter foreign to the bill.

I want to call attention to the splendid record that is being made by the great State of Indiana in this war. The conduct of the Representatives of that State in this war Congress is

pretty well known here and properly reflects, in part, the attitude of our constituents at home. We are thoroughly in this war in Indiana. Our people realize our serious position and are united in a common cause. The Council of National Defense in Indiana was one of the first State councils of defense to have a real organization. Our county councils are, almost without exception, alive and wide awake, and permit me to digress long enough to say that we should extend to them the mail franking privilege. Our councils of defense are characterized by the elimination of politics. The present national chairman of the Republican national committee, Will H. Hays, was the first chairman of the State council, and on that same council was the Hon. Thomas Taggart, the ex-national chairman of the Democratic Party, and they worked hand in hand, and are still working that way, on war matters.

In Indiana we have obliterated party lines. We are foremost in carrying out the rules adopted by the Fuel and Food Administrations, and while at times they have been burdensome to our people, they have submitted with but very little complaint, and I feel justified in calling attention with special pride to the manner in which our people are making numerous sacrifices in this war. In emphasis of the nonpartisan sentiment in my State I would like to have the Clerk read in my time an article recently published in a Washington City newspaper containing an interview by the Hon. Thomas Taggart, who at one time was chairman of the national Democratic committee.

The SPEAKER pro tempore. Without objection, the Clerk will read.

The Clerk read as follows:

"PRESENT NOT THE TIME FOR POLITICS," TAGGART—POSITION ON WAR MAIN THING, SAYS HOOSIER—WISHES BEST MEN ELECTED.

WASHINGTON, April 13.

Thomas Taggart, former United States Senator from Indiana, who has been here for several days renewing friendships, prepared the following statement for the Washington Post:

"This is no time for politics. If I had my way, I would nominate and elect the best men to Congress, regardless of their politics. We need in the Congress the best men. There are just as good men in the Republican Party as there are in the Democratic Party; men as patriotic and as able, and there are Democrats who are just as well equipped to serve as any Republicans. I would rather vote for the election of a Republican whom I knew to be all right on the war than to vote for a Democrat whom I knew to be all wrong on the war. There is a time, perhaps, to play politics, but this is not the time. What we need is a Congress that will back up the President and the Government.

"This is war and the people are coming to realize it. Politics should be put aside and only men whose loyalty is undoubted and who are fitted to serve should be elected. That's the view our people out in Indiana are taking. Everybody is for supporting the Government. Of course, there are some Republicans who think they will win in the congressional elections this year and some Democrats who think they will win. For my part, I don't much care.

"What I want is to see the best man elected. Hoosiers—men, women, and money—are behind the war in earnest, with a full realization now, if never before, that it is up to the United States to bear the burden of the struggle."

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired. The gentleman from Wisconsin is recognized.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. TREADWAY].

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for three minutes.

Mr. TREADWAY. Mr. Speaker, a large number of the Members of the Massachusetts delegation in this House take pride in the fact that they saw service originally in the Massachusetts House of Representatives. There were interesting exercises there day before yesterday, when a service flag for the members who had gone from the house of representatives in Massachusetts was dedicated appropriately. I desire to call the attention of this House to those exercises, and ask that we follow here the very worthy example set by the house in Massachusetts, namely, to dedicate a flag in this body to the Members who have gone from it in the service of their country, one of whom has given the supreme sacrifice of his life. [Applause.]

And in this connection, Mr. Speaker, I also wish to call attention to the fact that the flag back of the Speaker's rostrum is not the official flag of the United States. The stars in that flag are of gilt and should be of plain white. There is no authority for the use of gilt stars in the official flag of this country.

On June 14, 1777, Congress passed an act designating the Stars and Stripes as the national flag of the United States. The Federal law read:

Resolved, That the flag of the United States be 13 stripes, alternate red and white; that the Union be 13 white stars in a blue field, representing a new constellation.

Thus, it is noted, the thirteen original States designated the national colors and commemorated themselves in the 13 stars and 13 stripes. Later an act was passed authorizing the addition of a new star for each State admitted to the Union. The number of stars has grown until to-day there are 48 in the flag

In commemoration of the act of Congress in 1777, June 14 each year is now celebrated as Flag Day throughout the United States.

If there ever was a time when this House ought to sit under the proper Stars and Stripes it is when we are in this great contest across the sea. I therefore most earnestly wish to suggest to those having in charge the ornamentation of this room that a proper and appropriate flag be hung in this body. Gold stars look pretty, but they are not found in the official flag of the United States, and it seems to me that that correction ought to be made.

I ask leave to extend my remarks by inserting the article describing the exercises in the house of representatives in Boston.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the Record as indicated. Is there objection?

There was no objection.

Following is the article referred to:

[From the Springfield (Mass.) Union, May 3, 1918.]

HOUSE DEDICATES SERVICE FLAG FOR FORMER MEMBERS.

A service flag with 11 stars, for members of last year's house who have gone into the military service, presented by Mrs. John H. Sherburne, of Brookline, wife of Col. Sherburne, of the One hundred and first Field Artillery, formerly the First Massachusetts Field Artillery, was dedicated this afternoon in the house.

Representative William Foster, of Springfield, was on a committee that escorted Mrs. Sherburne into the chamber. Standing under the flag, she made a brief speech, telling of the entry of the 11 members into the war "for country, civilization, humanity, and Christianity."

Accepting the flag, Speaker Cox said:

"They have gone to service worthily and gloriously in a great cause. We honor them. While they are away this service flag shall remain not merely as a silent reminder of the splendid associations which we have lost for a time, but as a mighty inspiration for us who sit where they served to do nobly the work left undone at home, an inspiration for us to stand ready to do all and make any sacrifice, even as they, for the cause of civilization and liberty."

Chaplain Daniel W. Waldron offered a prayer of dedication, with patriotic reference to the significance of the flag and the circumstances of its presentation.

The men for whom the flag is in honor are: Capt. James Tracy Potter, of North Adams; Col. Sherburne, Daniel W. Casey, Alfred J. Moore, and Daniel J. Young, of Boston; Kenneth P. Hill, of Cambridge; Daniel W. Lincoln, of Worcester; Ward M. Parker, of New Bedford; Charles H. Slowey, of Lowell; and Maj. Roger Wolcott, of Milton.

Mr. FLOOD. Mr. Speaker, I yield 15 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

The SPEAKER pro tempore. The gentleman from Alabama is recognized for 15 minutes.

Mr. HUDDLESTON. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Alabama offers an amendment, which the Clerk will report.

Mr. HUDDLESTON. Page 3, line 12, strike out the word "enter."

The Clerk read as follows:

Amendment offered by Mr. HUDDLESTON: Page 3, line 12, strike out the word "enter."

The SPEAKER pro tempore. The gentleman from Alabama is recognized for 15 minutes.

Mr. HUDDLESTON. Mr. Speaker, there is a certain aspect of this bill that seems to me to be worthy of very careful consideration on the part of this House, and that is the effect of section 2 as proposed by committee amendment. That section reads as follows:

After such proclamation—

Referring to the President's proclamation—

as is provided for by the preceding section has been made and published, and while said proclamation is in force it shall, except as otherwise provided by the President, be unlawful for any citizen of the United States to depart from or enter or attempt to depart from or enter the United States unless he bears a valid passport.

It will be observed, Mr. Speaker, that the freedom of a citizen is very substantially affected by that section. He can not go out of the United States, and if out of the United States he can not return home except with permission of the President.

The act provides that he must have a passport, or he must obey such other regulations as may be adopted. The regulations, of course, are subject to change at will, and the substance of that provision is that without a passport he can not return without the President's permission.

Now, a passport can not be claimed by a citizen as a matter of right. Passports are granted only at the will of an administrative officer. No court will force that officer to grant a passport. Also, passports have no continuing effect. They may be canceled at any time. Under a statute now in effect passports may be canceled whenever the officer charged with that duty sees proper to cancel them. So that if this section is adopted as written a citizen of the United States going out of this country in possession of a valid passport may have his passport canceled and may be forbidden to come back to this country. And from that order canceling his passport and exiling him

from the country in which he was born and to which he may be altogether loyal and devoted there is no appeal. There is no recourse to a court, there is no due process of law, there is no right of trial by jury.

The Constitution of the United States is a very interesting document. It is still in force, although we are at war. I have grave doubts that this section of the bill is constitutional. It may be technically so, but undoubtedly it is violative of the spirit of the Constitution. Under the Constitution no American citizen can be exiled from his country. Under the Constitution no citizen may be deprived of his liberty without due process of law, which includes a hearing in some court. But under this provision of the bill a citizen temporarily and lawfully absent may be deprived of the right to come back to this country. He may be substantially and in effect put into exile, and without a hearing, without due process of law, without any opportunity to present his side.

It will be admitted by everyone that that is a fearful and a tremendous power to lodge in any authority. If the President could be conceived as exercising this power upon his own discretion, his own initiative, it would still be a fearful and a tremendous power. It would still be of more than doubtful Americanism. But, as we know, it is impossible for him to administer this law personally. The President will not deal with these things himself. He will not deal with them through any member of the Cabinet. He will not deal with them through any important officer of the Government. They will be dealt with through some remote subordinate, through some small clerk, through some one whose zeal may far outrun his judgment. That is absolutely necessary. When we pass this bill we should understand once and for all that we are clothing some little subordinate far down the line, who perhaps has never seen the President, with power to bar an American citizen out of his native country upon a mere suspicion and without a syllable of proof against him.

Are we prepared to go to such lengths? I want to win this war. I believe I want to win this war more than anybody wants to win it, because in addition to the reasons and the considerations that move other men I believe that I hate war worse than anybody else. I want to win so that we may have peace. One of the things for which I hate war is that it brings about just such legislation as this that is proposed. Much of such legislation is inevitable, much of it must be passed and must be submitted to. Democracies find it hard to wage efficient war. When war comes we find that the principles that democracies have long cherished and have bled for are given up one by one, little by little, piece by piece, until at last, if those who concern themselves merely with carrying on the war have their complete will, there will be left no democracy, no liberty, but only autocracy, because autocracy can wage the most efficient war.

I realize that we who love liberty must give up many things that we have cherished, and I am willing to give up mine. I give them up gladly, but I give them up with an awful and sickening fear in my soul that perhaps some of them may never come back to me and to my people. But as we give them up let us see that we give up only so much as is necessary to carry on the war. Let us not go beyond what is reasonable, what is fair, what is proper. Oh, of course, I know that if you take a third assistant prosecuting attorney he would require every man charged with crime to prove that he is innocent. He has dealt only with criminals. He feels that everybody is a criminal, and thereafter he wants all to be required to prove their innocence. Sometimes you find a man higher up, charged with the enforcement of the criminal laws, who does not hold these severe and unreasonable views. It is the same thing when we come to a man who is carrying on any enterprise. It is the same with men who are carrying on war. They want everything subordinated to carrying on war, and if a thing squints at all toward helping the war they think of absolutely nothing else. So it is with men who are chasing down disloyal citizens and who have got spies on the brain. They want everybody to be subjected to the most strenuous rules and tests. They want everybody to have to prove his innocence.

But I have not forgotten, Mr. Speaker, that this is still America. I have not forgotten what it takes to constitute Americanism. I have not forgotten that the recognition of man's right to life, liberty, and the pursuit of happiness is what makes this country worth fighting for. I have not forgotten the Constitution, which guarantees to every citizen that he shall not be deprived of life, liberty, or property except by due process of law.

I have given myself to this war. I am fighting, so far as I can, with every nerve and every fiber of my being for America and Americanism. It is for these things and for their preserva-

tion that I am committed to this war and that I voted for it, and I mean to carry it through with every ounce of strength and every thought and every emotion that I can command. But as I carry it through I do not lose sight of the glorious things that make this country what it is and worth fighting for—liberty, democracy, the right to be a free American, to come and go, to live under the institutions for which our ancestors died. These are the things that make us willing to fight. If we are to have Prussianism here, with military courts trying citizens on suspicion, as was proposed by a recent foolish bill which the President condemned as unnecessary and unconstitutional, there will be much less for us to fight for. If we are to have men exiled without a trial; if we are to have men denied their liberty without due process of law; if we are to have native-born American citizens whose ancestors perhaps fought the Revolution, who perhaps have themselves bared their breasts to the bullets of the enemy—if we are to have such men as that, accidentally caught outside the country, prevented by some petty official from returning to their homes on a bare suspicion, without a trial or hearing, it seems to me that there will be something less to fight for than there was before.

I think it is a very serious thing to provide that an American can not go out of this country without somebody's permission, but I would be willing to concede that; but when that American is out of this country I say he ought to have the right to come back. If he has been guilty of improper conduct, punish him; if he has been guilty of treason or disloyalty, hang him. No man would be willing to go further in punishing treason or disloyalty than I would. But give him a trial under the forms of law.

Stand by the Constitution; preserve what our ancestors achieved in their struggle; keep this country as they left it, so that it may be handed down to your children as they handed it down to us. No man's liberty should be taken from him without a hearing, without due process of law. [Applause.]

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the House, I do not share the fears entertained by the gentleman from Alabama [Mr. HUDDLESTON] with reference to the effect of some of our legislation. However, I agree with him in his contention that the amendment which is before you should be adopted. If I did not believe that the same spirit that is causing us to wage war against Germany and Austria will cause us to return to the usual practices of peace after this war is over, I would not vote for these grants of power, and vote for them now only because we have come to conclude they are necessary for the prosecution of this war.

But while I believe with the majority in this House that it is necessary in order to successfully wage the war to vest in the executive departments wide powers in many respects, at the same time I am not willing to vest any greater or wider powers than may be necessary under the circumstances. While I am perfectly willing that citizens in order to leave the United States shall be required to procure passports, I do not believe that a citizen of the United States, who happens to find himself away from home, should be required to appeal, perhaps vainly, to some subordinate in some department for permission to return to his native country.

Now, it was argued in committee that the reason for this provision was that in some instances American citizens were in foreign countries who were suspected of being disloyal and the department did not want to permit such citizens to return to the United States.

Gentlemen of the House, these are the citizens, if disloyal, that I believe we should have within the jurisdiction of the United States and within the jurisdiction of our courts, so that they may punish them for any treasonable conduct on their part or for acts of disloyalty against the United States Government. The reason given by gentlemen from the departments was that they did not want to be bothered with them over in this country; they did not want to be required to watch them and keep track of them in the United States.

I take it, gentlemen of the House, that if there be such a citizen of the United States in Holland or some foreign country, the agents of this Government could do more to prevent him from or detect him in his disloyal activity and treasonable conduct if he were on American soil, where they would have an opportunity to detect any violation of the law on his part, than if he were in a neutral country like Sweden or Holland, where he would be at liberty to ply the activities of an enemy.

Now, for the reason that I do not believe a citizen who is loyal, a citizen who desires to return home and is faithful and true to the country in this time of war, should be required to obtain a passport to come back into the country, because I be-

lieve that if disloyal citizens be permitted to come back the United States can here put its hands on them if they have not been true to our country, I believe the words in line 12, "or enter," should be stricken from the bill, and the same words in line 13, page 3, should be stricken from the bill.

As to the provisions in the bill which propose to restrict the movements of aliens to and from the United States I heartily agree, because I take it in this time of war no alien should have the right to come and go freely over the boundaries of the United States. The proper department of the Government should have the right to control his action. But, my friends, the time has certainly not arrived when a loyal American citizen, already away from home, should not be permitted to return home whenever he may see fit to do so.

Mr. SISSON. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. SISSON. Under the terms of section 2 as written, suppose a citizen were in Mexico attending to business at the time the proclamation was made. Would not he be permitted to return under the provisions of the law?

Mr. CONNALLY of Texas. He would not, unless the President under the provisions of section 2 should make a general regulation concerning such a case, or give special permission in his case, or unless he should obtain a passport.

Mr. SISSON. How would it affect a man on official business in South America, out of the United States?

Mr. CONNALLY of Texas. I take it, of course, that if he were there on official business he would have a passport or be given one.

Mr. SISSON. Suppose he is on official business and they should deny him a passport. Suppose, for instance, the official in Brazil, the consul, should deny him a passport?

Mr. FLOOD. It would be pretty good evidence, then, that he ought not to get back.

Mr. CONNALLY of Texas. I will say in reply to the gentleman that, as I understand this bill, it does not mean that he shall have a passport from the Government from which he comes to the United States, but that he shall have a passport or permission from the United States to enter the United States.

Mr. SISSON. Oh, yes. He would not be permitted to take passage on a ship if in a foreign country unless he had a passport. The master of the ship would not take him unless he could land him, and we have provisions that the consuls and various officials of the United States Government at various ports shall issue passports.

Mr. CONNALLY of Texas. I understand that.

Mr. SISSON. If I should happen to be in South Africa, would my right to return be finally determined by some little subordinate?

Mr. CONNALLY of Texas. Under the provisions of this bill, unless the President provided by general regulations permitting the return of such individual, or granted permission in that particular case, he could be refused a passport.

Mr. FLOOD. It would go to the State Department, and not be decided by a subordinate official.

Mr. CONNALLY of Texas. Oh, to be sure, it would go to the State Department.

Mr. SISSON. But I might be delayed in getting home.

Mr. FLOOD. Would it not be better to have the gentleman delayed in getting home than to run the risk of having a lot of traitors, who have left this country and gone to Germany, get the chance to come back here and spy on our military operations?

Mr. SISSON. But if a man is a bona fide citizen of the United States, his citizenship ought not to be treated so lightly. I am in sympathy with the bill, but I do not like to have a mistake made by excluding a man who is a bona fide citizen, born and reared here, and who is loyal to the Government.

Mr. FLOOD. There are hundreds of bona fide American citizens to-day in Germany who are not loyal to this country, and our Government knows they are not loyal to this country, and yet the gentleman's idea would be to permit them to come back here and spy on the operations of our Military Establishment and on the other operations of the Government.

Mr. SISSON. If they are not loyal and are in Germany, I agree literally with the gentleman from Texas, that this is the place where we do want them, so we might try them here in our courts and punish them.

Mr. FLOOD. There are others whose loyalty is suspected, but there is not enough evidence to convict them in a court of justice.

Mr. CONNALLY of Texas. Mr. Speaker, I dislike very much to take issue with the distinguished chairman of our committee, but another objection to this requirement is that a citizen who is in South America or any other distant country would neces-

sarily have difficulty in communicating with the State Department here in Washington and presenting the facts necessary to obtain a passport, and if, as stated by the chairman, there be American citizens in Germany who are disloyal to the Government, and whom the Government knows to be disloyal, then with that proof in an American court, within our jurisdiction, we could place them where there would be no danger of their leaving the country with or without a passport, because we would put them in prison or inflict upon them even more severe punishment. They would be guilty of treason. I am not in favor, in the case of a citizen about whom there is merely a suspicion, when there is no proof whatever, of hurling the ban, as it were, against him and preventing his return to the United States. What is suspicion? Unless suspicion is backed up by proof or by facts it becomes the most unjust and oppressive weapon that can possibly be employed. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. COOPER of Wisconsin. Mr. Speaker, the gentleman from Washington [Mr. MILLER] has five minutes.

Mr. MILLER of Washington. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 4, line 6, after the word "States," insert the words:

"Provided, That the provisions of paragraph (a) of section 1 and sections 2 and 3 of this act shall not apply to citizens of the United States going to and from Canada nor the citizens of Canada going to and from the United States, nor shall it apply to vessels operating between the ports of the United States and the ports of Canada."

Mr. MILLER of Washington. Mr. Speaker, my district is the city of Seattle, and that country and the people are associated intimately with the development of Alaska. Our investments are enormous, the trade is enormous, and any measure which strikes at the freedom of transportation strikes at the very heart of our industrial and commercial life. Thousands travel to and from Alaska, going through British Columbia, Canadian territory. The Government is at present building an immense railroad system in Alaska. We are getting laborers there from various places in British Columbia, from the United States, from every point they can be secured. If these men all have to have passports, and every time a citizen of my town goes into the Yukon Valley—and I may say there are 60 steamers out of my city plying to various points in Alaska—it would be a great inconvenience to them. Seattle is the gateway into Alaska. It always has been and always will be. Our people go and come as between Baltimore and Washington. It is true we can make application for passports to the district court, but it would take, it is safe to say, a month for our people to get passports. I realize, and no one realizes more than I, the necessity for this law as to all countries of Europe, the neutral countries, Mexico and to Cuba.

But as to our ally on the north, Canada, with whom we have so long remained in a friendly intercourse, I can see nothing that would cause us at this time to require our people to have a passport going to Canada. It would be an extraordinary hardship upon the people of Puget Sound and the city of Seattle, being as they are so far away from the Capital of our country. It would take so much time to secure passports, I can conceive of nothing that would tend to dwarf the development of Alaska as to prohibit the free interchange of our people both Canadians into Alaska and Americans into Canada. I was in hopes that the committee would see fit to adopt an amendment of this character. [Applause.]

Mr. FLOOD. Has the gentleman from Wisconsin used all his time?

The SPEAKER pro tempore. The gentleman from Wisconsin has 12 minutes and the gentleman from Virginia 16 minutes.

Mr. COOPER of Wisconsin. I yield three minutes to the gentleman from Iowa [Mr. HULL]. [After a pause.] I notice that the gentleman is not here, and I yield three minutes to the gentleman from New York [Mr. HICKS].

Mr. HICKS. Mr. Speaker, with the indulgence of the House I desire to say a word or two in regard to the unfortunate sinking of the *St. Paul* in the harbor of New York a few days ago. Reports have been spread that at the time of the sinking the *St. Paul* was under the command of Navy officers and manned by naval crews and that the accident was attributable to this cause. I have taken the trouble to investigate the matter, and I find that the *St. Paul* at the time she went down at her dock had not been repaired at the navy yard, was not officered by Navy officers, was not manned by a naval crew, and was not under naval control or supervision, and that all reports that she was under naval management are erroneous. She had a civilian crew, under civilian officers, and the ship came from a civilian yard after being repaired under civilian supervision.

And I want to say in regard to the president of the American Line, which owns the *St. Paul*, Mr. Franklin, that he is a man of the greatest ability and experience, a man who is now rendering the most efficient service to the Government in connection with the Shipping Board. While this accident was most lamentable, it was not the fault of the Navy in any way, and in justice to the Navy I desire to make this statement. [Applause.]

Mr. COOPER of Wisconsin. I would like to ask the gentleman if he can tell us what caused the accident? How was it brought about?

Mr. HICKS. The reports have not been made public, and I can only tell the gentleman what is surmised to be the cause, but I would prefer to tell my colleague in confidence, if he will allow me to do so.

Mr. FLOOD. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. Sisson].

Mr. Sisson. Mr. Speaker, I am not going to talk about the bill, but I am going to take five minutes to put in the RECORD some patriotic lines written by one of the employees of the House. I was requested to do this, not by the young man himself but by another Member of Congress, to whom he had shown the lines. The first is entitled "Buy a liberty bond," and is as follows:

BUY A LIBERTY BOND.

Will you respond and buy a bond
And help your Uncle Sam?
This appeals to you and appeals to me,
And should appeal to every man.
Remember the boys that are over the sea;
They are fighting for you and fighting for me.
You may not be able to follow them there,
But you can back them up by doing your share;
So get busy to-day with the liberty loan,
And help those brave soldiers and protect your home.
(James J. Kenah.)

Another poem, of a few lines, he denominates "America," and I will read it:

AMERICA.

America is stripped for action,
She's in this great world's war;
And America will win it,
For she's in it to the core.
America is honest:
She wants no gold nor land;
It's justice that she stands for;
Yes; justice she demands.
Fair Liberty has lit the world
And will continue so,
And when she strikes with all her might
She hits a powerful blow;
And when that blow's delivered
The world will safer be;
America, we wait for thee, to spread democracy.
(James J. Kenah.)

As will be seen, these lines were written by James J. Kenah, who is the chief page in the cloakroom, and I wanted to preserve the patriotism of this young man, an employee of this House, in the RECORD, because it breathes the right sort of spirit and expresses sentiments that find response in every heart here. I believe in encouraging boys to write such lines as this. [Applause.]

I yield back the balance of my time.

Mr. FLOOD. Mr. Speaker, this is a very necessary bill, to fill up an unfortunate gap that now exists in our law. We have no law to prevent the travel to and from this country of American citizens of neutral or friendly nations. Our ports are open, so far as the law is concerned, to alien friends, citizens, and neutrals, to come and go at will and pleasure, and that notwithstanding the Government may suspect the conduct and the intention of the individuals who come and go. No other nation engaged in this war has gone so long without enacting a strict law forbidding people going out and coming into the country.

Mr. WALSH. Will the gentleman yield for a question or two?

Mr. FLOOD. Yes.

Mr. WALSH. In reading the bill it appears that some permit or certificate other than a passport is to be given to the persons who desire to travel. That is true, is it not?

Mr. FLOOD. Yes.

Mr. WALSH. So it will be something in addition to a passport, whenever a passport may be necessary?

Mr. FLOOD. Yes; that is true with reference to aliens.

Mr. WALSH. Now, then, will the gentleman state, if he knows, upon what department or official the power to issue permits or certificates will probably be conferred by the President?

Mr. FLOOD. Upon the Department of State, in conjunction with the Department of Justice, as I understand.

Mr. WALSH. It will probably be an official who will represent both those departments?

Mr. FLOOD. Yes; or, rather, officials.

Mr. SULZER. Mr. Speaker, will the gentleman yield for a question?

Mr. FLOOD. Yes.

Mr. SULZER. Will the gentleman state whether this law would apply to travel between the ports of the United States and the Territory of Alaska?

Mr. FLOOD. As I understand, the purpose of the department is that they will require identification of all persons going to Hawaii and Alaska or to any of the other Territorial possessions of this country. Passports will not be required, but some identification of the person will be required, so that our officials at those ports may know that the persons traveling are American citizens and not under suspicion.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield for a question?

Mr. FLOOD. Yes; I yield to the gentleman.

Mr. COOPER of Wisconsin. I am with the gentleman on the general proposition of enforcing strictly a law of this kind; but would the operation of this law be confined to the period of the war?

Mr. FLOOD. Yes. That is on the face of it.

Mr. COOPER of Wisconsin. The President can issue the proclamation when the Nation is at war, but there is nothing in the bill limiting the time of the operation of the act.

Mr. FLOOD. It was understood that the language was intended to convey that idea, and to my mind it does convey that idea.

Mr. SULZER. Mr. Speaker, will the gentleman yield for another question?

Mr. FLOOD. Yes.

Mr. SULZER. Of course, Alaska is noncontiguous territory with the United States, but the travel from the Pacific ports to Alaska is identically on the same basis as travel between the States, is it not?

Mr. FLOOD. The people of Hawaii have stated the same thing. If we are to whittle away the power that we give to the Government to protect itself from spies coming in from any one section in order to prevent inconvenience to the people who go to Alaska or to Hawaii or from Washington to Canada, then we had better not pass the bill. [Applause.]

Mr. MILLER of Washington. Mr. Speaker, will the gentleman permit me to ask him a question?

Mr. FLOOD. Yes. What is it?

Mr. MILLER of Washington. Has the department ever heard of a spy coming into this country from Canada?

Mr. FLOOD. I have never heard of it, and—

Mr. MILLER of Washington. And no one else has.

Mr. FLOOD. And the department never required a passport from a person going into Canada, and they do not expect to require a passport from any person going into Canada. There is no reason for injecting this amendment into this bill, because it is not the purpose to require passports. But if a condition should develop in the future whereby the department would consider that the travel to and from Canada was dangerous to the interests of this country in the prosecution of this war, then the power to protect this country from Canadian travelers would be necessary just as it would be in the case of travelers from Mexico or any other country.

Mr. FARR. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. FARR. If they could not come in from any other country, they would try very hard to come in from Canada, would they not?

Mr. FLOOD. Yes. I think we should pass this bill and give our Government the power that every other government engaged in this war has had to protect itself from spies and informers who come to create trouble for the country or disaster for its interests, even if it does for a time inconvenience our neutral friends or friendly allies, and even if our own citizens are inconvenienced. The gentleman from Alabama [Mr. HUDDLESTON] would like to exempt American citizens coming into this country. I can not conceive of any department of this Government intrusted with the enforcement of this law which would so far forget its functions and its duties as to subject citizens needlessly to petty annoyances who happen to be out of the country when this law goes into effect. If there are American citizens in foreign lands who are under suspicion, who have gone into Germany since this war was declared, those are people who ought to be now out of this country and kept out until the war ends. If their conduct subjects them to charges of disloyalty or treason they should be properly dealt with. But many of them have conducted themselves so that the charge of disloyalty or treason could not be sustained in a court of justice, and yet

our Government knows that they are not loyal and that their presence here would be dangerous to the country. Some are native American citizens and some are naturalized citizens, and the adoption of the Huddleston amendment would permit them to come back here without submitting themselves to any investigation. It would be dangerous to take down the bars for that class of people. It may subject individuals to inconvenience, but—

Mr. MILLER of Washington. I would like to ask if this bill has been laid before the President and has received the President's approval?

Mr. FLOOD. It has not only received the President's approval, but he has telephoned to Members of this House and advocated its immediate passage.

Mr. MILLER of Washington. As a war measure?

Mr. FLOOD. As a war measure.

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. HUDDLESTON. Was that before the change was made or afterwards?

Mr. FLOOD. The President telephoned to the gentleman from North Carolina [Mr. POU] a few days ago.

Mr. HUDDLESTON. Does the gentleman know whether the President had ever read the bill or not?

Mr. FLOOD. I presume he has read it.

Mr. HUDDLESTON. I understand he wants some bill; but is it this particular bill that he wants?

Mr. FLOOD. It is this bill that he wants passed in the very shape it is in and in the very shape that the gentleman from Alabama opposes.

Mr. HUDDLESTON. The gentleman does not know whether this bill has been specifically brought to his attention?

Mr. FLOOD. I do not know that the President has read every line in the bill, but I do know that representatives of the Department of State know every word in it; and the Department of Justice and the Department of Labor and the War and Navy Departments have all been trying in one way or another to keep these undesirable people out of this country and they have been unable to do so. I know that the representatives of all of these departments know the bill in all of its details and approve it just as it was reported from the committee. We have no law to protect this country, and the only protection we have now is that when people want to go out a clearance will not be given to the ship unless everybody on board has a passport. The only way to prevent these spies from coming in is through the activities and vigilance of the naturalization agents. We have no way at present of punishing the guilty or preventing them from violating or attempting to violate the regulations of the State Department in reference to passports. Those departments of the Government that I have mentioned have been for a year struggling with this question, and now their representatives and the President ask that Congress pass a law with teeth in it. [Applause.]

I hope this House will pass this bill just as it is reported, and vote down the two amendments, the one offered by the gentleman from Washington [Mr. MILLER] and the one offered by the gentleman from Alabama [Mr. HUDDLESTON]. [Applause.]

Mr. MILLER of Washington. My purpose in asking that question was this: The Delegate from Alaska [Mr. SULZER] and myself called at the White House this morning. We failed to see the President personally, but we were advised that so far as they knew the President knew nothing about this measure.

Mr. FLOOD. I do not know who gave the gentleman that information. The President has conveyed to me on two occasions his deep interest in this bill. The Postmaster General has talked to me frequently about it and said the President was very much interested in it, and that was after it was reported from the Committee on Foreign Affairs. Two days ago the President talked to the gentleman from North Carolina [Mr. POU] over the telephone in reference to the passage of this bill, and urged that the District of Columbia appropriation bill, which was then pending, be set aside for the time being, and that this bill be put in its place and passed. He urged it on account of the great importance of this measure.

Mr. FESS. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. FESS. I am in entire sympathy with the purpose of the bill. I do not know how long the proclamation will be in force. What is the technical effect of a proclamation made in time of war? Will it cease automatically with the close of the war?

Mr. FLOOD. When the war ends the regulations will end. There is no necessity of any passport in time of peace. Our

law authorizes passports, but they are for the protection of the citizens who get the passports, who ask for them. We are asking for the passage of this law in order to protect the Government and the country.

Mr. Speaker, we have rules and regulations of the Department of State to control the travel to and from the country of American citizens, friendly aliens, and neutrals, but the rules and regulations go beyond the law and if there was a test made of them they could not be upheld.

There is no punishment for the violation of these regulations, and they are only partially enforced by resorting to methods that were not intended to meet a situation that confronts the country at this time and is a very inadequate method of enforcement. Entry into the country can only be controlled through the immigration agencies and departure from the country by denying clearance to vessels unless all of their passengers have passports.

All nations engaged in war have found it necessary to control travel to and from their countries, and when the war began in 1914 all of the belligerent nations adopted a stringent system of regulations in regard to such travel. Germany has from time to time closed her borders entirely.

Our laws are no stronger than they were in times of peace, and it exposes our country to the danger of having military information and other information of a vital character in the conduct of the war conveyed to the enemy through spies and informers, who, under our laws, can come and go without hindrance.

These spies are not only Germans, but in many instances have been neutrals, and in some instances have been renegade American citizens. Our authorities may suspect a man of being a spy, but it is very difficult to prove this fact; especially is this difficult when the man is an American citizen abroad who is desirous of coming home. A broad discretion must be vested in the Government to protect the country against this danger, and it is better to take the chance of keeping out an alien, a neutral, or even an American citizen who is perfectly innocent of any wrongdoing to the country rather than take a chance of having aliens and neutrals who are in the pay of our enemies and renegade citizens coming here and going back and forth to give information to the enemy which might result in having some of our transports sunk and our soldiers murdered, or in having some of our munition plants in this country destroyed, or to insidiously spread German propaganda, or to carry from this country information to the enemy.

The power vested in the President by this bill is broad and comprehensive, but it is essential to meet the situation that the Executive should have wide discretion and wide authority of action. No one can foresee the different means which may be adopted by the German Government and its allies to secure military information or spread propaganda and discontent. It is obviously impracticable to appeal to Congress for legislation for each new emergency. Swift executive action is the only effective remedy for such a situation.

This law is urgently needed and should be passed without delay and without opposition. [Applause.]

Mr. Speaker, I move the previous question on the bill and all amendments.

The SPEAKER pro tempore. The gentleman from Virginia moves the previous question on the bill and all amendments.

The previous question was ordered.

The SPEAKER pro tempore. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 1, line 3, strike out the words "that when" and insert the words "Section 1. When."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, lines 4 and 5, strike out the words "the imposition of" and insert the word "that."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, line 6, strike out the word "otherwise."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, line 6, after the word "provided," insert the words "otherwise than by this act be imposed."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, line 10, after the word "such," insert the word "reasonable."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 3, strike out the word "person" and insert in lieu thereof the word "alien."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, lines 9 and 10, strike out the words "not having permission to depart or enter, as the case may be" and insert in lieu thereof the words "with knowledge or reasonable cause to believe that the departure or entry of such other person is forbidden by this act."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 7, insert a new section, as follows:

"Sec. 2. After such proclamation as is provided for by the preceding section has been made and published and while said proclamation is in force, it shall, except as otherwise provided by the President, be unlawful for any citizen of the United States to depart from or enter or attempt to depart from or enter the United States unless he bears a valid passport."

The SPEAKER pro tempore. To this committee amendment the gentleman from Alabama [Mr. HUDDLESTON] has offered an amendment. The gentleman from Alabama desires to modify his amendment. Without objection, he will be permitted to do so. The gentleman from Alabama will please indicate his amendment.

Mr. HUDDLESTON. I wish to modify my amendment so that it will read as follows:

Amend the committee amendment in line 12 and in line 13 by striking out the words "or enter."

The SPEAKER pro tempore. The Clerk will report the gentleman's amendment.

The Clerk read as follows:

Mr. HUDDLESTON moves to amend the amendment by striking out, on page 3, line 12, the words "or enter," and in line 13, by striking out the words "or enter."

The SPEAKER pro tempore. The question is on the amendment to the amendment offered by the gentleman from Alabama [Mr. HUDDLESTON].

The question was taken; and on a division (demanded by Mr. HUDDLESTON) there were—ayes 5, noes 45.

Accordingly, the amendment to the amendment was rejected.

The SPEAKER pro tempore. The question now is on the committee amendment.

The committee amendment was agreed to.

Mr. LITTLE. Mr. Speaker, I ask leave to revise and extend the remarks I made this morning.

The SPEAKER pro tempore. The gentleman from Kansas asks leave to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FLOOD. Mr. Speaker, the gentleman from Texas [Mr. CONNALLY] calls my attention to the fact that in section 3, on page 3, in line 16, after the word "violate," it would be better to strike out the word "the" and insert the words "any of the." I ask unanimous consent to be permitted to offer that amendment.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent to be permitted to offer the amendment which he states. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 16, after the word "violate," strike out the word "the" and insert the words "any of the."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 15, change the section number from "2" to "3."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 15, strike out the words "that whoever" and insert in lieu thereof the words "any person who."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 16, strike out the words "the foregoing section" and insert in lieu thereof the words "this act."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 24, strike out the word "conveyance" and insert in lieu thereof the word "vehicle."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 4, in line 3, change the section number from "3" to "4."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 4, after line 6, insert a new paragraph as follows:

"The word 'person' as used herein shall be deemed to mean any individual, partnership, association, company, or other unincorporated body of individuals, or corporation, or body politic."

The amendment was agreed to.

The SPEAKER pro tempore. The gentleman from Washington [Mr. MILLER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MILLER of Washington: Page 4, line 6, after the word "state," insert the words:

"Provided, That the provisions of paragraph (a), section 1 and sections 2 and 3 of this act, shall not apply to citizens of the United States going to and from Canada nor to citizens of Canada going to and from the United States, nor shall it apply to vessels operating between the ports of the United States and the ports of Canada."

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. MILLER of Washington) there were 16 ayes and 44 noes.

So the amendment was rejected.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the amended bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FLOON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11185) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1919, and for other purposes.

The SPEAKER pro tempore. The gentleman from Alabama moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Military Academy appropriation bill.

Mr. DENT. Mr. Speaker, pending that motion, I ask unanimous consent that general debate be dispensed with.

Mr. GILLET. Reserving the right to object, may I ask for the information of the House if it is expected that after this bill passes any other legislation will be brought up this afternoon?

Mr. KITCHIN. I will say to the gentleman, no; that I will then move to adjourn.

Mr. CANNON. Mr. Speaker, reserving the right to object, I think there ought to be a little general debate.

Mr. DENT. I will say to the gentleman that I have an understanding with my colleagues on the other side on this committee, as the gentleman from California informs me that he has several requests for time, that I shall not object to extending the time under the five-minute rule.

Mr. CANNON. With that understanding, Mr. Speaker, I do not object.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none.

The motion of Mr. DENT was then agreed to.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GARRETT of Tennessee in the chair.

Mr. DENT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Military Academy for the fiscal year ending June 30, 1919.

Mr. EMERSON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the time has arrived in this country when we must deal severely with spies, dynamiters of munition factories, and profiteers. I believe the profiteer who defrauds his country in this crisis, especially if he has a contract to furnish war materials, is a traitor to his country, should be stood up against the wall, and taken care of by the firing squad. We are asking people to buy bonds, savings stamps, to conserve food, fuel, and other materials necessary to win this war, and asking them to deny themselves that the country might more effectually prosecute the war to a successful conclusion. If we are to ask the people of this country to save, it is our duty to protect in every way possible the expenditure of every dollar so raised.

A man who would defraud his Government during this crisis is guilty of treason. He is disloyal; he is as bad as a spy. He is as bad a man as one who would blow up a munitions factory, and he should pay the awful penalty. The official who assists him is equally guilty and should suffer the same penalty.

The one who knows of such defrauding and does not disclose it to the proper official should not be handled with gloves. Alongside of the alien enemy, the disloyalist, the blower-up of munitions factories, the destroyer of war materials, the food destroyer, the preacher of disloyalty, the plotter against the country, is the profiteer, and they all should be introduced to the firing squad.

Whoever takes advantage of his country's peril in the hour of its greatest crisis is the meanest man in the country. Such a person would betray his country, would sell his family into bondage, would commit any crime known to man. The time is going to come when we will have to treat severely with spies, dynamiters, and profiteers.

If a few of these traitors were occasionally introduced to the firing squad, it would be better for the country. Let the people of this country know that the profiteer and defrauder of his country is to be severely punished and as soon as possible.

Above all, let the profiteer know that he is going to be punished and branded as a traitor and he will not be so handy in defrauding his country. He should be treated as an armed enemy. This is no hour for trifling. [Applause.]

The Clerk read as follows:

For extra pay of officers of the Army on detached service at the Military Academy.

Mr. GREENE of Vermont. Mr. Chairman, I move to strike out the last word. I do this to obtain a parliamentary opportunity to insert in the Record information contained in a letter which I have received from The Adjutant General of the Army, written at my request, in which he shows in detail the pay and all the so-called perquisites and emoluments of commissioned officers of the Regular Army. There have been many more or less fantastic ideas in the popular mind that in addition to the statutory pay the commissioned officer is in a position to derive financial benefit from various changes in location of posts or assignments to duty, and that there also inures to him in one way or another some kind of benefit which is hazily and loosely classed as "perquisites and emoluments." Anyone who is familiar with the subject knows that no money is paid out of the Treasury except by authority of law, and that all pay and benefits that go to any officer in the Army are in every detailed item prescribed by law.

It is only fair to say, moreover, that the pay of an officer of the Army is not by any means as substantial compensation as some people probably imagine it to be, taking into consideration the fact that the officer must furnish his own subsistence and buy his own uniforms and equipment, which latter are necessarily expensive and sometimes change in the character and type required by regulations before they are worn out by ordinary use. Besides that, it should be remembered that the Army officer has no permanent home in peace time, but is required to move, with his family, if he has one, every now and then from post to post up and down the country or across the seas, and we all know that "three removes are as bad as a fire."

All in all, his pay as it averages with his years of experience and service is probably not as favorable as the salary generally given to men of corresponding qualifications and responsibilities in civil life. It is small wonder, then, that the average Army officer can not expect to put by much, if anything, for the proverbial "rainy day," as men do in civil occupations, but is compelled, in the very nature of things, to expect that his old age will be supported only by the allowance that he will get by law upon his retirement from active service.

Without taking any further time, I will suggest that it may be to the advantage of some occasional inquirer if he can find in the Record a concise, complete, and authoritative statement of the pay and allowances of a commissioned officer of the Army.

Mr. WELLING. I would like to ask the gentleman if the pay of the cadets is in his list.

Mr. GREENE of Vermont. No; they are not officers of the Army.

Mr. WELLING. What is the pay of a cadet?

Mr. GREENE of Vermont. Six hundred dollars a year; but the gentleman will appreciate the fact that he does not get that in money; it is a credit allowance against which certain things are charged to him on his account from time to time. If at the end of his period of instruction there is some part left, that small balance, according to long-established practice, it generally employed toward furnishing him his outfit for the service he is to enter as an officer.

Mr. DYER. How much does a young man have to deposit in the Military Academy when he enters?

Mr. GREENE of Vermont. I am not informed as to the present regulation about that.

Mr. DENT. I did not understand the gentleman's question.

Mr. DYER. How much money does a young man on entering the Military Academy have to deposit?

Mr. DENT. I think \$500.

Mr. McKENZIE. I beg the gentleman's pardon. I understand it is \$100, for the purpose of buying an outfit, but he gets that back. The purpose is to protect the Government from cadets coming in and only staying a short length of time.

Mr. DYER. Does he get it back after he has been there a certain time or does he have to wait until he graduates?

Mr. McKENZIE. I presume he gets it as soon as he has been there long enough so that the Government is sure that it will not be a loser.

Mr. DYER. According to the present law and practice, I understand that a young man entering the Academy has to deposit sums which run up to \$300, and it is not an easy matter for poor boys to get that sum off of poor parents of boys who enter to pay it to start with.

Mr. GREENE of Vermont. I understand that whatever may be the situation now—and these regulations may have been changed in regard to these deposits—it is exacted only as an earnest of good faith. It is the practice and it is the law that a cadet shall have his education and equipment during education furnished free, and in the end it amounts to that. He is supposed to be put to no expense in attending the academy.

The CHAIRMAN. The gentleman from Vermont asks unanimous consent to extend his remarks by printing the document referred to. Is there objection?

There was no objection.

The letter is as follows:

PAY AND ALLOWANCES OF COMMISSIONED OFFICERS.

Pay of officers in active service.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE.

Grade.	Pay of grade.	
	Yearly.	Monthly.
General.....	\$10,000.00	\$833.33
Lieutenant general.....	9,000.00	750.00
Major general.....	8,000.00	666.67
Brigadier general.....	6,000.00	500.00
Colonel.....	4,000.00	333.33
Lieutenant colonel.....	3,500.00	291.67
Major.....	3,000.00	250.00
Captain.....	2,400.00	200.00
First lieutenant.....	2,000.00	166.67
Second lieutenant.....	1,700.00	141.67

(a) Officers below the rank of brigadier general receive 10 per cent on the yearly pay of the grade for each term of five years' service, not to exceed 40 per cent in all.

(b) The maximum pay of a colonel is \$5,000, that of a lieutenant colonel \$4,500, and that of a major \$4,000.

(c) Ten per cent increase for foreign service of all officers serving outside the United States, except in Canal Zone, Panama, Porto Rico, or Hawaii.

Commutation for quarters when public quarters are not available and for officers who are not serving with troops.

Grade.	Yearly pay of grade
General.....	\$7,584.00
Lieutenant general.....	1,440.00
Major general.....	1,296.00
Brigadier general.....	1,152.00
Colonel.....	1,008.00
Lieutenant colonel.....	864.00
Major.....	720.00
Captain.....	576.00
First lieutenant.....	432.00
Second lieutenant.....	288.00

Commutations of heat and light when public quarters are not available, depending upon number of rooms actually occupied for certain zones of equal temperature in which the officer is serving.

Number of rooms.	Heat.		Light.	
	Minimum.	Maximum.	Minimum.	Maximum.
10.....	\$6.00	\$26.50	\$3.24	\$5.16
9.....	6.00	24.30	2.88	4.62
8.....	6.00	22.40	2.70	4.32
7.....	5.55	20.65	2.40	3.84
6.....	5.50	18.60	1.98	3.18
5.....	5.00	16.50	1.62	2.58
4.....	5.00	14.40	1.44	2.28
3.....	5.00	12.00	1.26	2.04
2.....	4.00	8.90	.90	1.44

Officers traveling by rail under competent authority when not accompanying troops receive \$0.07 a mile.

Officers sent abroad for special observation of operations at the front are allowed \$6 per day for expenses.

The lieutenant general may select two aids and a military secretary, who shall have the rank of lieutenant colonel while so serving.

An aid to a major general is allowed \$200 and an aid to a brigadier general \$150 per year in addition to the pay of his rank.

Any officer below the grade of major required to be mounted, whether permanently or temporarily, who provides himself with suitable mounts at his own expense and of his exclusive ownership, shall receive, in addition to his pay, \$150 per annum if he provides one mount and \$200 per annum if he provides two mounts. An officer claiming additional pay for providing his own mount must personally certify on each account that he was suitably mounted at his own expense and is the actual and exclusive owner of the mount or mounts in question, specifying the place at which maintained. (Act of May 11, 1908.) This addition to his pay is paid to him as a compensation for the purchase price of his mounts and is not credit allowance for the keep of the mount. (A. R. 1273.)

The Government maintains and cares for the private mounts of officers required to be mounted.

Regimental and battalion or squadron staff officers receive the pay of their respective grades on and after May 11, 1908.

While on duty that requires him to participate regularly and frequently in aerial flights, each aviation student receives 25 per cent, each duly qualified junior military aviator 50 per cent, and each duly qualified military aviator 75 per cent in the pay of his grade and length of service under his line commission.

The above covers total pay and allowances due officers of their grade from all sources.

RETIRED OFFICERS.

Retired officers receive 75 per cent of the pay of their grade (salary and increase). (R. S. 1274.) No increase of longevity after retirement unless retired for wounds received in battle. (Act of May 11, 1908.)

Retired officers are not entitled to allowances for quarters, heat, and light.

Retired officers below the grade of lieutenant colonel detailed for active duty are entitled to the full pay and allowances of their grade. Retired colonels and lieutenant colonels detailed for active duty other than at colleges are entitled to the same pay and allowances a retired major would receive under a like assignment; detailed at colleges under the act of November 3, 1893, they are entitled to the same pay a retired major would receive under a like assignment and to the allowances of their grade. (Acts of Apr. 23, 1904, Mar. 2, 1905, June 12, 1906, and Mar. 3, 1909.)

Retired officers may be transferred to the active list of the Army if under 50 years of age and with rank not above that of captain to the place on the active list which he would have had if he had not been placed on the retired list and should be carried as an additional number in the grade to which he is transferred or at any time thereafter promoted. Such officer shall stand a satisfactory medical and professional examination as now provided for by law. (Act approved Mar. 4, 1915.)

In time of war retired officers may be employed on active duty, in the discretion of the President, and when so employed they shall receive the full pay and allowances of their grade. Further, any retired officer who has or shall be detailed on active duty shall receive the rank, pay, and allowances of the grade not above that of major that he would have attained in due course of promotion if he had remained on the active list for a period beyond the date of his retirement equal to the total amount of time during which he has been detailed on active duty since his retirement. (Act approved June 3, 1916.)

The Clerk read as follows:

Four cooks, at \$38 each per month (increase \$384 submitted), \$1,524.

Mr. KAHN. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question. Ought not the language "(increase \$384 submitted)," in lines 19 and 20, be stricken out?

Mr. DENT. They should.

Mr. KAHN. Then, Mr. Chairman, I offer to amend, in lines 19 and 20, page 4, by striking out the language "(increase \$384 submitted)."

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, lines 19 and 20, strike out the words "(increase \$384 submitted)."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WELLING. Mr. Chairman, I would like to ask the gentleman from California what the figures "\$1,824" mean at the end of that line 20?

Mr. KAHN. That is the total for the four cooks for the year. The Clerk read as follows:

For pay of Engineer detachment: One first sergeant, at \$51 per month, \$612.

Mr. BLAND. Mr. Chairman, I move to strike out the last word for the purpose of making a few remarks on the pension question. I understand that it is the present plan of the majority to bring up the House general pension bill on next Monday under suspension of the rules. The bill as reported to the House, as gentlemen will understand, provides for a 30 per cent increase, with a minimum of \$25. It also has in section 3 two provisions to which there is a great amount of objection by the old soldiers of the country. That section provides that anyone having an income of \$1,000, including the pension, shall not be entitled to any of the increase provided for in the bill. It also provides that the inmate of any soldiers' home shall not be entitled to any increase provided for in the bill.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. BLAND. Yes.

Mr. MAPES. What percentage of the old soldiers will the bill apply to if these exceptions are put in?

Mr. BLAND. A very large percentage, because the majority of them, of course, have not a thousand dollar income, and the majority of them are not in the soldiers' homes.

Mr. CANNON. Mr. Chairman, if the gentleman will permit, my recollection is that 19,000 of the Union soldiers of the Civil War are in the soldiers' homes, and they would not take any benefits by this increase of pension; and if the gentleman will allow me also in his time, and I think the committee will extend the time for five minutes more if the gentleman desires, these 19,000 in the national homes come from all over the country. I would not undertake to speak accurately as to the number of Union soldier survivors who are not in the homes.

Mr. MAPES. Do the 19,000 include the inmates of State homes as well as the national homes?

Mr. CANNON. I think not.

Mr. BLAND. The bill provides "State or National homes."

Mr. CANNON. We contribute \$100 a year to these State homes, as the gentleman knows.

Mr. BLAND. Yes; they are partly supported by the Federal Government. If this matter comes up under suspension of the rules, there will be no opportunity for amendment, and very little chance for debate. I think the majority of the House want to amend the bill. I feel that at this time the old soldier is the man who is hit hardest by the high cost of living. His little pittance of \$17 or \$22.50, as the case may be, does not go very far. I think it is a serious matter to which consideration ought to be given at this time, and a bill should be passed by this Congress that will give them substantial relief. The bill to be acted upon Monday provides for a \$25 minimum. I think the majority of this Congress are in favor of at least a \$30 minimum, but unless we have the opportunity of amending it and bringing it up as a privileged report or considering it under a special rule we will have no opportunity of voting for a \$30 minimum or of voting to strike out section 3.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. BLAND. Yes.

Mr. MAPES. Will not the Committee on Rules bring in a rule making it in order to consider the bill so that we can amend it?

Mr. BLAND. I think they would if the matter were presented to them properly and by the proper parties. A number of that committee have signified their disposition to do so, and it is also a privileged matter. It stands to-day on the Calendar as highly privileged as any other matter before this body, and it should be presented now as a privileged matter. I do not think the matter ought to come up under suspension of the rules so as to

avoid the opportunity of amendment, but it seems that it is the deliberate purpose of the majority to do so.

Mr. ANTHONY. Does the gentleman know when it is the intention to bring this before the House?

Mr. BLAND. Next Monday, under suspension of the rules.

Mr. ANTHONY. I agree with the gentleman that it would be unfortunate to have that done.

Mr. BLAND. That is the reason why I am raising the question at this time. I think Members ought to insist that this bill be brought out under special rule or as a privileged matter.

This bill appropriates, as I remember it, and Gen. SHERWOOD will correct me if I am in error, \$29,000,000, quite a sum to pass under suspension of the rules without any consideration as to where it shall go and without any opportunity of amendment and very little opportunity for debate.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. BLAND. I shall be very glad to do so.

Mr. GARRETT of Tennessee. In answer to the suggestion made by some gentleman a moment ago touching the matter of a special rule, as one member of the Committee on Rules I have this view of the matter, that where the Pension Committee has under the general rules of the House a day every two weeks that no special rule is necessary.

Mr. BLAND. It is my understanding that that day every two weeks is for omnibus private bills and not general bills.

Mr. GARRETT of Tennessee. It is for general pension legislation.

Mr. BLAND. No; I do not think so. I understand that the Committee on Pensions is privileged to make a report the same as the other privileged matters, and I am also informed reliably that there is no other bill on the calendar to which a higher privilege attaches. It may be brought up this afternoon and considered, and I hope amended and passed.

Mr. GILLET. If the gentleman will permit, in response to what the gentleman from Tennessee said, if it is so that the Committee on Pensions has a right every other week to bring up their bills, would not that be a strong argument against bringing it up on suspension day, because it would show that the only reason for bringing it up was to avoid any amendments?

Mr. BLAND. That seems to me to be self-evident.

Mr. GARRETT of Tennessee. If the gentleman will permit, I am not arguing that question. I am merely saying, as one member of the Committee on Rules, I do not think a special rule is necessary or ought to be expected from that committee for a committee that has the power to legislate every two weeks.

Mr. BLAND. As I understand it, under its privileged standing on the calendar the only thing essential is recognition by the Chair—that is, on days not set apart for unanimous consent, suspension of the rules, or other special matters. If you can get recognition of the Chair, you do not need a special rule; if you can not get recognition of the Chair, you ought to have the special rule.

Mr. TILSON. May I ask the gentleman from Tennessee a question?

Mr. GARRETT of Tennessee. The gentleman from Indiana has the floor.

Mr. BLAND. I will gladly yield to my friend from Connecticut for that purpose.

Mr. TILSON. Do I understand the gentleman from Tennessee to say that on any Friday known as pension day it would be in order for the chairman of the Committee on Invalid Pensions to rise and make a motion that the House go into the Committee of the Whole House on the state of the Union for the consideration of pension bills of a general nature?

Mr. GARRETT of Tennessee. That is the provision of the rule.

Mr. TILSON. That it would have a privileged status the same as an appropriation bill on any other day?

Mr. GARRETT of Tennessee. Why, the general rules of the House provide that general pension legislation is a privileged matter.

Mr. TILSON. The gentleman is correct as to the rule of privileged matters, but not as to its being privileged by reason of the rule as to private pension bills on Friday.

Mr. BLAND. I do not think the chairman of the committee [Mr. SHERWOOD] so understands that, and I know that he has been trying to get this bill up, and I do not think he understood that he had the right to report this bill as a privileged report on pension day, but if it was entitled to be reported at all, it would be as privileged. It could be called up for consideration on pension day; but, if so, it would be because it was privileged under the rules and not because it was pension day.

Mr. SHERWOOD. It is private pension day, not general.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. I ask that the gentleman have an additional five minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent that the gentleman may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

HOUSE BILL AND MR. BLAND'S REPORT.

Mr. BLAND. The gentleman from Ohio [Mr. SHERWOOD], chairman of the committee, has just stated that he understands Friday is private pension day and not for general bills, and that is the understanding of the committee, I am sure, and we have been working on that theory. I desire to insert as a part of my remarks a copy of the House bill reported by the honored chairman of our Invalid Pensions Committee, Gen. SHERWOOD, and also a copy of that portion of the report which contains my personal views on the subject:

A bill increasing rates of pensions of soldiers and sailors of the Civil War.

Be it enacted, etc., That the rate of pension of any person who served in the military or naval service of the United States during the Civil War and was honorably discharged therefrom, and who is now in receipt of a pension or shall hereafter be granted a pension under the provisions of any general law, or is now pensioned under a special act of Congress, and who is entitled to a pension less than \$25 per month, shall be \$25 per month.

In case such person has reached the age of 70 years and served 1 year, the rate of pension shall be \$26 per month; 1½ years, \$28 per month; 2 years, \$30 per month; 2½ years, \$31 per month; 3 years or over, \$32.50 per month.

In case such person has reached the age of 75 years and served 90 days, \$27 per month; 6 months, \$29 per month; 1 year, \$31 per month; 1½ years, \$35 per month; 2 years or over, \$39 per month.

That any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge, and who was wounded in battle or in line of duty and is now unfit for manual labor by reason thereof, or who from disease or other causes incurred in line of duty, resulting in his disability, is now unable to perform manual labor, shall be paid the rate of \$39 per month, without regard to the length of service or age.

SEC. 2. That any person who served in the military or naval service of the United States during the Civil War and who was honorably discharged therefrom, and who is now pensioned or shall hereafter be pensioned under any general law, or who is now pensioned under special act of Congress at a rate of \$20 per month or more, shall be entitled upon the passage of this act to receive in lieu thereof a rate which shall be fixed by the Secretary of the Interior, in multiples of 50 cents, nearest approximately 30 per cent additional to the present rate: *Provided*, That no rate of pension shall be granted under the provisions of this act in excess of \$50 per month: *Provided further*, That no pension heretofore granted shall be reduced by this act.

SEC. 3. That no pensioner shall be entitled to receive any benefits under the provisions of this act for any period during which he shall be an inmate of any State or national soldiers' home, and the provisions of this act shall not apply to any pensioner whose net annual income from all sources, including his pension, is \$1,000 or more.

SEC. 4. That the increased rates of pension provided by this act shall commence from the date of the approval of said act, or in case of original pensions hereafter allowed from the date of commencement of such pensions as provided by existing laws.

SEC. 5. That no attorney shall be recognized and no attorney fees shall be paid for the presentation or prosecution of any claim under the provisions of this act.

VIEWS OF HON. OSCAR E. BLAND, OF INDIANA.

I fully concur with the views of the Committee on Invalid Pensions as to the provisions of House bill 9959 in so far as it increases fairly and equitably, though insufficiently, the amount of money to be paid to the pensioned soldiers of the Civil War. A minimum should be established, and an increased amount should be given on account of age and service. With these principles in the bill I also concur. And were it not for the extreme age and general deplorable physical disability of the soldiers of that war I would advocate but little change in this bill, but since about 37 per cent of them now on the pension rolls served more than two years, and since practically all of them are over 72 years of age, necessarily feeble and unable to perform manual labor, and since present war conditions have doubled the price of living, the amounts under the provisions of the bill appear to me to be absolutely inadequate. More than 95 per cent of the soldiers of the Union cause now on the pension roll have no income of consequence in addition to their pension.

I maintain that it is the duty of the Government to provide adequate and liberal means to cover the entire cost of supporting the surviving Civil War pensioned soldiers and their dependent families. I therefore favor a \$30 minimum for any soldier of the Civil War now on the pension roll or who may hereafter be placed on the pension roll, and I favor the recognition of age and service to a maximum of \$40 per month. And if I were convinced of the existence of a reasonable probability of obtaining a \$50 maximum I would heartily advocate it.

The following short paragraph, if enacted into law, would, in my judgment, be the fairest and most practicable bill for enactment, considering the expense and all the valuable experiences derived from the trial of past pension legislation:

"A bill to amend an act entitled 'An act granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico,' approved May 11, 1912.

"Be it enacted, etc., That the general pension act of May 11, 1912, is hereby amended by adding a new section, to read as follows:

"SEC. 6. That from and after the passage of this amendment the rate of pension for any person who served 90 days or more in the military or naval service in the United States during the Civil War, now on the roll or hereafter to be placed on the pension roll and entitled to receive a less rate than \$30 per month, shall be \$30 per month.

"In case such person has reached the age of 72 years and served six months, the rate shall be \$32 per month; one year, \$36 per month; one and a half years, \$38 per month; two years or over, \$40 per month: *Provided*, That this amendment shall not be so construed as to reduce any pension under any act, public or private."

The Hon. Franklin K. Lane, Secretary of the Interior, concerning these identical figures and this paragraph, under date of February 15, 1918, says:

"The roll carries no class of survivors rated upon attained age of 72 years. It was ascertained by running through several thousand roll cards that about 75 per cent of the survivors pensioned upon the basis of attained age of 70 years were not between the ages of 72 and 75 years. The results of addition of this percentage of the 70-year class of the roll at the close of the last fiscal year to the 75-year class then on the roll by periods of service, and computation of the difference in annual rates at that time and the rates proposed by the bill, are shown in the following tabulation:

Age and length of service.	Number.	Increased cost per year.
Less than 72 years and served 60 days and over, and 72 years and over and served less than 6 months.....	2,171	\$10,670,202
72 years and over and served 6 months and less than 1 year.....	39,163	5,099,178
72 years and over and served 1 year and less than 1½ years.....	42,083	6,209,772
72 years and over and served 1½ years and less than 2 years.....	24,785	4,185,542
72 years and over and served 2 years and over.....	111,739	15,959,298
Total.....	299,941	42,104,262

"The average annual increase is about \$120. Allowance for death losses and other changes may be accepted to reduce the above total to \$40,000,000, as representing the approximate cost of the bill for the first year should it become a law."

It will be observed that the number of soldiers who are less than 72 years of age and served 90 days and those who are over 72 years of age and served less than six months is 2,171, and that the total increased cost of paying this class of men \$30 per month instead of what they are now receiving would only be \$10,670,202, and that the total increase under this proposal would only be \$40,000,000. The provisions of this above proposed bill, while not as much as was hoped for by the Grand Army of the Republic officials, who have stated their wishes to the committees of Congress having general pension legislation under consideration, it is declared to be, under the circumstances, satisfactory to them. After considerable investigation I am convinced that if the above provisions are agreed to by the House of Representatives they will soon be placed on the statute books.

If the above is enacted into law, special bills for increase of pension will be few. It will not, of course, change the number of bills for original pensions. The committee bill having a \$25 minimum will not relieve the tremendous demand for special increase bills.

I am opposed to section 3 of the bill. There are very few soldiers receiving pensions who have \$1,000 incomes. If we give the soldiers enough to live on, there will only be a few who will want to stay in the soldiers' home.

I fear too exacting proof of these two almost immaterial facts will be exacted by some unfriendly and technical departmental official, which will cause endless delay and general dissatisfaction.

The proposed bill I have offered as a substitute is an exact copy of the Smoot bill, introduced by Senator Smoot in the Senate, and which has been favorably reported by the Senate Pensions Committee.

There are 16 men on the Invalid Pension Committee and while none of them have joined me in a report recommending a \$30 minimum for the old Civil War soldier, I know that many of them feel on this question just as I do about the imperative needs of this class of soldier, and I am not attempting to pose as the only member of the committee who would like to see the soldiers affected by this bill get at least that amount of money, but my individual convictions, as well as my personal and party pledges, make it imperative that I not only strive in committee to do what I conceive to be my full duty to the soldier, but that I at least attempt to have my convictions acted upon by all my colleagues in the House.

In considering this bill, which is to increase the pensions of the soldiers and sailors of the Civil War, there are three things which I regard as fundamental:

First. The age of any survivor of the conflicts of the Civil War of itself is such as to disqualify him in almost every instance from performing manual labor. Some may earn a small wage, but, if so, it is usually from dire necessity and with great pain and misery.

Second. Regardless of what those who oppose pensions generally may say, it is a fact that most men on our pension rolls have depended upon their pensions for their support, to the extent that but few of them have any other source of income, and many of them by reason of war-incurred disabilities have never been physically able to accumulate anything for old age.

Third. The enormous increase in the cost of living, due largely to war conditions, has made the pittance received from the Government inadequate to supply the bare necessities of life for the Civil War soldier and his family.

When we are calling on our young men, the sons and grandsons of these honored heroes, to offer their lives in this the most terrible of wars; it would be a blunder and mistake to turn

a deaf ear to the cry for help from the men who saved this Republic by the offer of their lives.

The second congressional district of Indiana, which I have the honor to represent, is proud of the fact that during the days of the Rebellion it did its full duty and sent its thousands to battle for the life of the Union. It to-day is honored by having as residents within its confines more old veterans of that terrible struggle than the average congressional district. I am not sure as to the cause of this condition; whether it is wholly due to the number who enlisted from my district or whether the old fellows just love to live down there among our hospitable folks, or whether it is due to both reasons. One of my colleagues, in a spirit of jest, the other day suggested that it was because we nearly always had a Member of Congress from that district on the Invalid Pensions Committee, but I know that this can not be true.

One thing is certain; they know their Congressman's address and they know how to write, and if they are too feeble to write they get some friend to write for them, and you may rest assured that, without regard to politics or formality of long acquaintance, they have been telling me what they expect of this Congress in no uncertain terms.

My heart has ached because of the suffering of some of these men to whom we owe so much. I know they are suffering, and if you have taken time to figure out what a dollar will buy to-day you know many of them are suffering. Seventeen dollars a month, or even a dollar a day, does not go far toward providing shelter, food, and clothing for a man and his family in these days. Some of these old friends have written me what they have to eat, what they wear, what kinds of homes they have to live in, and many of them tell of doctor bills and sickness. Should we neglect these men now, who in the twilight of their honored lives look to the Government they saved for us for help, we would be unworthy of the priceless privileges we now enjoy because of their sacrifices.

Some one says, "Let them go to the soldiers' home." Yes; let them go if they have to; but I hope this great Nation, this powerful Nation they saved, will not by its neglect force them in their feebleness or old age to leave their loved ones and their places of hallowed remembrances to go to a soldiers' home, no matter how well it may be managed or however comfortable it may appear.

They are fast passing away; they will not long honor us with their presence. Every 15 minutes one of these gallant men in blue hears the muffled drum and answers his last roll call. To those who object to the \$40,000,000 increase I propose, let me say that practically all of it goes to the men over 70 years of age, and they necessarily can not be with us long. If I advocated this \$40,000,000 increase solely on the ground of governmental generosity or solely on the ground of the payment of a just debt the Nation owed to its defenders or on the ground of the value of the example to the present-day generation, in either instance I would have an irresistible and unanswerable argument. But, Mr. Chairman and gentlemen, I present it to you to-day not only as a generosity and a payment, but as a positive necessity, the hour of which must not be delayed.

Most of you men when in your districts back home have proclaimed your love for the soldier and have promised your support for "One dollar a day and more if necessary." Your party platforms, State and National, have slobbered all over the soldier; a very large per cent of you have introduced dollar-a-day bills and many of you have introduced them for larger sums. Now is the time to come to the front. You will never have a better opportunity. Since the close of the Civil War there never was a time when the welfare of the American soldier was nearer the hearts of Members of Congress or the American people in general than it is at this moment. But if you consider this bill under suspension of the rules you know you will not get the \$30 minimum.

If, when you consider this bill, you adopt my amendment you will get rid of section 3, which I regard not only as unjust and unfair but as impracticable and very harmful to the purposes of the act. If you will give the old soldier enough to live on he won't want to go to a soldiers' home, and the Government will be relieved of his care there, and he will be a happy, contented, and patriotic citizen and an inspiration to the people of his community.

I have opposed the provision in this section which denies the increase provided for in the bill from a soldier whose income, including his pension, is a thousand dollars or more, for several reasons. One of them is sufficient—who is going to determine how much his income is? If it is a thousand dollars this year, how much will it be next year, and the next, and so on? Do you intend to give some unfriendly administrative officer the opportunity to "split hairs" and investigate and delay and worry

these old fellows until they die with old age? If you want to give them an increase, give it to them; do not dangle it before their eyes and then withhold it.

Gentlemen, I sincerely hope that this House will give us a chance to consider this bill under a special rule or as a privileged matter so that we can amend it and that you will adopt my amendment, providing for a \$30 minimum. I will gladly vote for a \$50 maximum, and if I thought my amendment would be passed by this House containing that amount as a maximum I would have so drafted it.

Mr. MAPES. Will the gentleman yield so as to get this point of order straightened out?

Mr. BLAND. Yes.

Mr. MAPES. The rules say:

On Friday of each week, after the disposal of such business on the Speaker's table as requires reference only, it shall be in order to entertain a motion for the House to resolve itself into the Committee of the Whole House to consider business on the Private Calendar in the following order—

And so forth.

I understand the bill to which the gentleman refers is on the Union Calendar, and it could not be brought up on Friday.

Mr. BLAND. That is my understanding. It could only be brought up as a privileged report, if you obtained recognition of the Chair, or it could be brought up on a rule from the Committee on Rules. I understand it is on the program to bring it up under suspension of the rules on suspension day next Monday. If that is done, gentlemen, you men who are friends of the soldiers and who feel in this time of war we ought to offer encouragement to the young soldiers by giving what their fathers and grandfathers are entitled to, will be forced into voting for a bill which, it is true, gives an increase, but which is not satisfactory, or you will be forced to vote against the passage of the bill under the suspension of the rules, and then be criticized for your failure to support an increase bill. I am in favor of bringing this matter up this afternoon before we close our labors and thrash this bill out and consider it in Committee of the Whole House on the state of the Union, and arrive at some just measure that will give the old soldiers of the country that to which they are so justly entitled. We have plenty of time this afternoon. Why not do it? [Applause.]

Mr. CANNON. Will the gentleman yield?

Mr. BLAND. I will be very glad to yield.

Mr. CANNON. I find on examination that my recollection was correct, that under the rules of the House the business of the Committee on Invalid Pensions is privileged the same as any of the other committees.

"The following-named committees shall have the right to report at any time on matters herein stated," and there are a number of committees, including the Committee on Invalid Pensions with general pension bills, and that has been always construed, and uniformly construed, to make it in order at any time the chairman could be recognized to go into the Committee of the Whole.

Mr. BLAND. But he would have to have recognition of the Chair, would he not?

Mr. CANNON. He would have to have recognition of the Chair at any time in order to do anything.

Mr. BLAND. I do not think I am misstating a fact when I say that I think the Chair would be more inclined to recognize one who has a privileged report than one with a request for the suspension of the rules. I think, however, that there is a determination here to bring this bill up Monday under suspension of the rules to avoid amendment, and I do not think it ought to be permitted. I am glad to call attention to it at this time, so that you men who feel interested in this proposition will see to it that this House is not forced to swallow whole a bill that does not do justice to the old soldiers, and your mouths be closed from debate and you be denied the privilege of offering an amendment that will give substantial relief to the soldiers. I am calling your attention to it for that reason at this time.

Mr. McKENZIE. It takes a two-thirds vote to suspend the rules and pass the bill, does it not?

Mr. BLAND. Yes. This bill provides a 30 per cent increase. Would you vote against it, even though you knew there was some unjust features in the bill?

Mr. McKENZIE. I would not like—

Mr. BLAND. The House ought not to be put in an unfair position. We are in favor of an increase, and under such rules and regulations as will give speedy relief. For instance, if you vote for the present House bill, you will vote for a provision to prevent those who are getting \$1,000 income from getting an increase. That provision in the law will entail long investigation and long delay and an army of employees being employed who will harass these men who are entitled to these increases now while they are alive and while prices are so high.

Mr. CAMPBELL of Kansas. Mr. Chairman, first of all, I want to address myself to the rule under which the pension bills are considered on every other Friday; that is, under Rule XXIV, clause 6, which provides for the consideration of bills on the Private Calendar. The business of that day is confined to private pension bills and to the removal of political disabilities, and the chairman of the Committee on Pensions would not have the right on that day to call up general pension legislation such as is contemplated in the bill that has been reported by the committee. The rule reads with reference to pensions:

On the second and fourth Fridays of each month preference shall be given to the consideration of private pension claims and bills removing political disabilities and bills removing the charge of desertion. On every Friday, except the second and fourth Fridays, the House shall give preference to the consideration of bills reported from the Committee on Claims and the Committee on War Claims, alternating between the two committees.

This rule, therefore, does not give the chairman of the Committee on Pensions the right to call up his pension bill, a bill legislating generally on the pension subject, and the committee is confined entirely to bills on the Private Calendar, or what are known as private pension claims. I am sure the gentleman from Tennessee had overlooked the strictness of the rule under which the Pension Committee operates on every other Friday.

Mr. MAPES. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. MAPES. Will the gentleman give us his opinion as to whether this bill is a privileged bill and could be called up by the committee at any time without a rule?

Mr. CAMPBELL of Kansas. In my judgment, yes.

Mr. TOWNER. The Committee on Invalid Pensions has the right to report at any time, just the same as the Committee on Rules has the right to report at any time a general bill.

Mr. MAPES. It has to be a privileged bill.

Mr. CAMPBELL of Kansas. The gentleman from Ohio [Mr. SHERWOOD] on any Friday that he has the floor, or on any other day, could move that the House resolve itself into the Committee of the Whole for the purpose of considering this bill.

Mr. TOWNER. If the gentleman will permit me, this has the privileged status with regard to pension bills. If a general pension bill is reported it may be reported by the committee at any time under this provision which puts among the privileged reports such as those from the Committee on Rules, and appropriation bills, and also includes reports from the Invalid Pension Committee on general pension bills, so that they may be called up at any time by the chairman of the committee. Now, when it comes to private pension bills, those can not be called up at any time. They can only be called up on every other Friday under the other rule. So that we have those two privileged conditions regarding pension legislation. Now, this bill being a general pension bill, the chairman of the Committee on Pensions may call it at any time for consideration in the House.

Mr. BLAND. Clause 6 of paragraph 857 says "privileged bills reported under the right to report at any time," which includes reporting a motion for the consideration of a general bill from the Invalid Pension Committee.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. CAMPBELL of Kansas. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CAMPBELL of Kansas. Now, upon the necessity for general pension legislation, no one will contend that the amounts now paid to the veterans of the Civil War are sufficient to meet the obligation that rests on Congress to meet the necessities of these veterans.

It is as much our duty to fully provide for their needs now as it was to provide for their needs when they were serving in the field. Mr. Chairman, the conditions have so changed, the prices of everything the veteran buys have increased to such an extent that the amount he receives is not enough to meet the merest necessities. There is no sort of contention that we ought not to keep the pledge that we made with the veterans of the war of the sixties and provide for their necessities in their old days. We are spending billions of dollars for war purposes to-day. We ought, while we are doing this, while we are paying for the war we are now waging, to have some regard for the debt we owe for the greatest war that we ever waged in our history. These men have a claim upon this country. They have a claim upon this Congress. We ought to meet that claim. While we are to-day ready and willing to spend these billions of dollars for waging a war the end of which no one can yet see, we ought at the same time to take

a day off and provide for the necessities of the men who made it possible for us to have a country.

A rule is preferable to a motion to suspend the rules to pass a bill if a rule were necessary, but under the privileged character of the bill, as stated by the gentleman from Illinois [Mr. CANNON] and the gentleman from Iowa [Mr. TOWNER], a motion to suspend the rules ought not to be made on this bill.

There ought to be an opportunity to strike out section 3 of the bill that provides that no pension under it can be paid if the veteran has an income of a thousand dollars a year or is in a soldiers' home, and this section could not be stricken out under a motion to pass the bill under suspension. Every one of the claimants would be subjected to an examination with that section in, and, as stated by the gentleman from Indiana [Mr. BLAND], there would be literally hundreds of men in the field investigating every claimant to find out what his income was, whether it was \$800 or \$900 or \$1,000 or \$1,500. And if he had no income at all, still his claim would not be allowed until that matter was fully investigated to the satisfaction of the bureau, after an examination by an inspector.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. SHERWOOD. Mr. Chairman and gentlemen, as chairman of the Committee on Invalid Pensions I have perhaps made more of an effort to be recognized to bring up this bill than any Member of this House is aware of. I think I understand the whole situation. I tried to get a rule from the Committee on Rules. I have twice seen the chairman of that committee, and he partly promised to give as a rule.

I am in favor of allowing any amendment that the House wants to offer to this bill, but before I can bring in this bill, notwithstanding its privileged character, I must have recognition, as stated by my distinguished friend from Illinois [Mr. CANNON], from the Speaker, and the Speaker has agreed to give me recognition whenever these important war measures are disposed of.

Now, in looking through the RECORD I find that on the 10th day of January, 1911, Mr. Sulloway, through Mr. FULLER, reported what is known as the Sulloway pension bill under a suspension of the rules. The vote on that bill, as I remember, after debate of 20 minutes on a side, was 212 for the bill and 62 against. There was no record vote by roll call. There were over 200,000 more soldiers alive at that time than there are to-day, and several gentlemen on the floor undertook to offer amendments and Mr. FULLER objected, and no amendments were allowed. As I understand the rules, anything can be done by unanimous consent, and so far as I am concerned individually—and I propose to have charge of the bill—I would be willing to give the House a chance to offer amendments if it can be done under the rule.

I do not think I need to say to the Members present that I am, and have been consistently, in favor of liberal pensions to my old comrades. In 1906 my district was Republican at the previous election by 18,642, and the Democrats wanted me to go on the ticket and run for Congress. I did not care to go back to Congress only as I thought I might be of some service to the comrades with whom I stood elbow to elbow for four years of that terrible war. [Applause.] On a vote of 62,000 I was elected by a plurality of 42. I never asked a soldier to vote for me in my life. I never wrote a letter to a soldier asking him to vote for me. I never wrote a letter to an individual asking him to vote for me. I never accepted a dollar from any private individual or any corporation in any of my campaigns. I never had the support of any Democratic daily newspapers, because we did not have any in our district. [Laughter.] On December 7, 1907, two days after I took my seat in the Sixtieth Congress, I introduced what is known as the Sherwood dollar-a-day pension bill, and I worked for that bill through the Sixtieth Congress, the Sixty-first Congress, and the Sixty-second Congress—in all, over four years—and on the 11th day of May, 1912, after a struggle, I think, of three days on the floor of this House, we passed the bill. It went over to the Senate. The Senate passed what was called the Smoot bill.

I have always believed that a pension should be for service or disability. I believe that the pension roll should be a roll of honor, and I have always felt that way ever since the war, and I feel that way now. Then we had conferees appointed between the Senate and the House. I was chairman of the conferees on the part of the House. Mr. McCUMBER was chairman on the part of the Senate, and we labored for four months to perfect the bill. As I said before, that bill was adopted on the 11th of May, 1912, and was signed by the President and became a law the next day. It was signed by President Taft and is now the law.

If there is any gentleman here who can tell me what I can do more than I have already done to get this bill up, I would be glad to do it. We have the precedent of the Sulloway bill, which passed under the suspension of the rules, and which carried \$75,000,000, and which was based on an entirely new line. No country in the world up to that time, or any representative or parliamentary body up to that time, had ever passed a soldiers' pension bill based solely upon age. In my opinion there is no virtue in being old. If there was, I would be the most virtuous man in this House. [Applause.]

Mr. BLAND. Would the gentleman prefer to have the bill come up as a privileged bill rather than under suspension of the rules?

Mr. SHERWOOD. I would if I could get recognition now, in order to speed its passage into law.

Mr. BLAND. Does not the gentleman think he could get recognition a little later. If he would let the bill go over and not consider it under the suspension of the rules on Monday?

Mr. SHERWOOD. I am receiving so many letters in favor of the bill and urging its passage that I want to get it out of the way. I do not think it makes much difference what kind of a bill we pass in the House, if we can only get it into conference, and I will guarantee that we will give you a satisfactory bill if we ever get the bill into conference.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. SHERWOOD. Yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. I ask unanimous consent that the gentleman have two minutes more.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the time of the gentleman from Ohio be extended two minutes. Is there objection?

There was no objection.

Mr. DENT. Mr. Chairman, I hope at the expiration of that time we may go on with the reading of the Military Academy appropriation bill.

Mr. CAMPBELL of Kansas. The gentleman from Ohio moves to suspend the rules and include in that motion a proposition to strike out section 3. Would the gentleman be willing to do that?

Mr. SHERWOOD. I will tell you. There are 16 members of the committee. When this bill that is now on the Union Calendar was considered, it was ordered to be reported by the unanimous vote of those present. Twelve members of that committee were present, and I would not take the responsibility of deciding for the other 15 members of the committee what to do, because I am only one member of the committee. I have no more voice than any other member of the committee. As far as I am individually concerned, I would be willing to do it.

Mr. CAMPBELL of Kansas. Probably a meeting of the committee could be held between now and the hour of meeting Monday, and we might arrange that.

Mr. SHERWOOD. Some of the members of the committee may be absent. I want to say further that I am a member of the legislative committee of the Grand Army of the Republic. The Grand Army of the Republic to-day constitutes about 45 per cent of all the surviving soldiers of the Civil War. At the meeting of the national encampment at Boston last year I was not present. They appointed a legislative committee, with full power to designate what pension legislation should be recommended to Congress for enactment. I met with that committee when they met here previous to the preparation of the present bill. I met with them twice, once before the Senate committee. This bill has been prepared in accordance with the recommendations of that committee of which I am a member, except that ex-Representative Gardner, who was chairman of the committee, said that the amount of money appropriated should not be less than \$40,000,000.

Mr. BLAND. Will the gentleman yield?

Mr. SHERWOOD. Yes.

Mr. BLAND. I suppose Commander in Chief Somers is a member of that committee?

Mr. SHERWOOD. No; he is not a member.

Mr. BLAND. I want to say for the gentleman's information that the Grand Army of the Republic officers have written to me that they were opposed to this bill, and especially opposed to these two features, and that they indorsed the provision of the Smoot bill that is in the Senate.

Mr. SHERWOOD. Some of them might be opposed to any bill that we might enact. I have received as high as 800 letters a day. I have received the indorsement of posts of the Grand Army of the Republic from Ohio to Oregon, favoring the bill now on the Union Calendar. I have received all told about 75 letters against the bill, in favor of a larger bill. Of course, we

are all human. They all want as much money as they can get. You must understand that. I do not blame them. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Does the gentleman desire more time?

Mr. SHERWOOD. No.

Mr. TILSON. Mr. Chairman—

The CHAIRMAN. The gentleman from Connecticut [Mr. TILSON], a member of the committee, is recognized.

Mr. TILSON. Mr. Chairman, the distinguished gentleman from Ohio [Mr. SHERWOOD], the chairman of the Committee on Invalid Pensions, has just told us how solicitous he is that his general pension bill shall be considered, and how much he desires to have it considered under favorable circumstances for amendment, and so forth. It seems to me that this discussion here, if it has done nothing else, has cleared the way and pointed out to him exactly how he may do it. There is no difficulty whatever in the way. All that is necessary is that we may go ahead reading the bill that we are now considering, finish it this afternoon, and before adjournment the gentleman from Ohio [Mr. SHERWOOD] will have time and opportunity to move that we go into Committee of the Whole House on the state of the Union for the consideration of the general pension bill, which his committee has reported out. It will thus become the unfinished business for next week, and we shall not have to invade suspension day to consider it under suspension of the rules. [Applause.] The way is now perfectly clear, and if we are forced to consider this bill under suspension of the rules, it will be because those in control of it shut their eyes to the opportunities that are before them. It will be because they persist in considering it under suspension of the rules, where it can not be amended, instead of under more favorable circumstances.

Mr. GARNER. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman from Texas.

Mr. GARNER. It was the distinct understanding before we went into the consideration of this bill that this would be the last business considered to-day. The question was asked by the leader on that side of the House [Mr. GILLET], and it was distinctly stated that we would not do any more business to-day. I think it would be entirely unfair to those Members of the House who are not here to take up other legislation after that positive statement has been made.

Mr. TILSON. Of course, gentlemen's agreements ought to be kept, but I was speaking of the parliamentary situation; and so far as the rules and orders of the House are concerned, I have stated the facts just as they are. Immediately after the completion of the Military Academy bill this afternoon, if those in charge of the pension bill will call it up, we can begin the consideration of it. By so doing it will become the unfinished business. There is no justification for our being forced to consider it under suspension of the rules next Monday.

Mr. BLAND. Under any circumstances it is not necessary for the chairman of the committee to move to suspend the rules on Monday, is it?

Mr. TILSON. Certainly not. The rules are clear that at any time when an appropriation bill is not pending or some other legislation being considered, the gentleman from Ohio [Mr. SHERWOOD] can arise in his place and move that the House go into the Committee of the Whole House on the state of the Union for the consideration of his pension bill. He can do it if the Speaker will recognize him and he has the votes to back him up. I think the gentleman has the votes to back him up on this pension bill at any time he may wish to call it up. So if we go ahead and consider it under unfavorable circumstances it will be simply because those responsible for the bill do not make proper effort to consider it under favorable circumstances. That is the situation, gentlemen. Let the responsibility be placed where it belongs. I shall not take up more time, and hope we may now go on with the consideration of the Military Academy bill. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read. The Clerk read as follows:

For pay of one battalion sergeant major, Infantry, \$864: *Provided*, That the enlisted man in the headquarters, United States Corps of Cadets, performing that duty has the rank, pay, and allowances of that grade: *And provided further*, That if performing the above duties at time of retirement the said enlisted man shall be retired with the rank, pay, and allowances of a retired sergeant major, Infantry.

By unanimous consent Mr. SHERWOOD and Mr. BLAND were given leave to revise and extend their remarks in the RECORD.

Mr. PRATT. Mr. Chairman—

Mr. HICKS. Mr. Chairman, in view of the fact that my colleague [Mr. PRATT] has seldom asked for time in the House,

I ask unanimous consent that he be allowed to speak for 10 minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. Hicks] that his colleague may continue for 15 minutes?

There was no objection.

Mr. PRATT. Mr. Chairman, it is a little more than a year since the United States entered into war against Germany, and since then our hearts, our hopes, and our resources in men and money have been thrown into the scale with our brave allies overseas, who for almost four years have been contesting the ground inch by inch with a highly organized and efficient military foe. Little did we think the twentieth century would usher in the most gigantic strife of all time. The world a few years ago looked peaceful enough, but we see now what we were unable to discern then, that for many years all the energies of a great people—the Germans—had been bent toward the single object of world dominion. When the time was ripe Germany stripped off her mask and struck her long-planned, long-prepared blow, hoping by the very suddenness and fury of its onset to overcome France, and then to take on England, while Austria-Hungary kept back the hosts of Russia. But little Belgium—God bless her!—whose neutrality had been violated as by a thief in the night, interposed her arm, and with a gallantry unsurpassed stayed the robber legions in gray which swarmed upon her fair land until France had time to rally and stopped the mighty rush of the invaders at the Battle of the Marne. And so the tide of conflict has ebbed and flowed until to-day there are but few neutral nations, and this has indeed become a world war. Never before has so much blood been spilled; never has this world seen such shame and such glory. But the shame has proceeded from our brutal and barbarous foe and the glory from those who are in a life and death struggle with that foe.

It is unnecessary to review the causes that led the United States to become an active participant in this great war, but we went in because Germany would not let us stay out. We made every honorable effort to stay out. We were a peace-loving Nation; we had been taught by our first President to avoid entangling foreign alliances; in our geographical isolation we felt secure from attack by a foreign foe; but slowly and imperceptibly we were drawn against our will into the maelstrom until we have become a part and parcel of the contending forces. America's aims and purposes in this crisis were never more clearly stated than by the President of the United States in his famous war message delivered in this Hall on the evening of April 2, 1917, and his closing sentences have much of the solemn and majestic sweep of Lincoln's second inaugural:

It is a fearful thing to lead this great, peaceful people into war. But right is more precious than peace, and we shall fight for the things which we have always carried nearest to our hearts—for democracy, for the right of those who submit to authority to have a voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free. To such a task we can dedicate our lives and our fortunes, everything that we are and everything that we have, with the pride of those who know that the day has come when America is privileged to spend her blood and her might for the principles that gave her birth and happiness and the peace which she has treasured.

In the past year the American Congress has sought almost unanimously and by every means at its command to frame and put into effect measures that will help to win the war. We on this side of the House, who are proud of our political heritage as members of the great Republican Party, have shown a oneness with those of our friends of another political faith. We have known no North, no South, no East, no West; but we have devoted ourselves in common to the great task of organizing the resources of the United States for victory. After entering the war in April last year the Congress in May passed the selective-service law; in June, pursuant to the President's proclamation, nearly 10,000,000 Americans, the flower of our young manhood, were registered for service; in August the first quotas were ready to report; in September they began to reach the various cantonments; in October training was under way to provide a great National Army.

Remarkable progress has been made in the last year in many departments of governmental activity; if in all of them the most complete success has not been achieved, if in some of them there have been vexatious delays, the fault in large measure has been due probably to the fact that we have been trying in a few months to accomplish the work of years. It took generations of intensive training to make Germany the military power she was in 1914 and is to-day. But our National Army is in the making; it will soon be worthy of American traditions. Many of our soldiers are already on the firing line, and the Kaiser knows he

must secure a military decision, if at all, before the American boys in full force can reach the shores of France.

If in the raising and training of our National Army we are once more showing our unity as a Nation, if we are to-day shaking off the clinging garments of apathy and pacifism and unpreparedness which for more than 50 years have been our national habit, we are in other fields endeavoring to meet the exigencies that are a part of our war program. From all over the land are heard the sounds of preparation for the struggle we are in. We are building ships, we are making ammunition, we are providing and conserving food, and we are raising billions in money. We must have not only soldiers and ammunition, but we must have food and the ships to carry it across the ocean; and the American farmer, no less than the American artisan and the American business man, is exhibiting his patriotism in this supreme moment in the world's history.

Of such transcendent importance is the question of food supply in our war program that this Congress a few weeks ago passed an act authorizing the Secretary of War to grant furloughs to enlisted men to enable them to engage in agriculture during the present farming season. By reason of this the men who have left the farms for the training camps can go back to the farms for short periods, largely for seeding and harvesting time. Without universal farm productiveness we can gain no victory over Germany.

I have the honor to represent a district where agriculture is largely pursued. The counties of Steuben, Chemung, Schuyler, Tioga, and Tompkins, in the southern tier of New York, are noted for the extent and volume of their agricultural interests. There are no more intelligent and industrious farmers anywhere in the country, and surely none more loyal to the State and the Nation. In every community they are backing up the Government to the extent of their ability, and they will continue to do so. But they must have labor, and the farm-trained labor that will be released as a result of the furlough act passed by this Congress and approved by the President on March 16, 1918, will assist us to win the war.

There has been some talk of conscripting labor for farm production, but I am a believer in free labor. If male labor can not be obtained, women will doubtless come to the rescue. As always, the burden of war falls hardest on women; but they are uncomplaining and unfaltering, vying with men in the effort to be of assistance in this struggle. "Without the aid of women, England could not carry on this war," said Mr. Asquith, former premier. English women, to a large degree, are replacing in the factories and mills, in the public utilities, and on the farms of England the men who have been taken away to fight the Germans. As time goes on and this war takes from America its millions of men, the women of America will demonstrate their adaptability and their readiness to meet the emergency at home; for when have the women of America ever failed to show their patriotism, their heroism, and their self-sacrifice? All that they ask is an open field, an even start, and no favors; and now that in many States they do not lack citizenship and are soon, I trust, to attain citizenship in the Nation at large, they will prove not only the allies but the equals of men.

The boys in the trenches have a clear idea of what they are there for. They know they are fighting not only for democracy and to make the world free but for something very near and dear to them at home. We can almost hear them saying, in the words of a recent war verse:

"Made safe for democracy" seems mighty fine,
But high-soundin' politics ain't in our line.
Taint that made us chuck up our jobs and enlist
For givin' the Kaiser the taste of a fist,
But this is the notion stowed under our lids:
We're makin' it safe for the missus and kids.

[Applause.]

The Clerk read as follows:

For pay of one battalion sergeant major, Infantry, \$——: Provided, That the enlisted man at headquarters, United States Military Academy, performing that duty shall have the rank, pay, and allowance of that grade.

Mr. DENT. Mr. Chairman, in the print of the bill the amount after the dollar mark was unintentionally omitted, and I ask to amend the bill by adding the figures "768" after the dollar mark.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 2, after the dollar mark, insert the figures "768."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Total, current and ordinary expenses, \$184,605.

Mr. PLATT. Mr. Chairman, I move to strike out the last word. I simply want to say a few words on this bill itself

and not on any pension legislation or any other extraneous matter whatever.

Mr. FESS. That is peculiar; is not that out of order?

Mr. PLATT. It is peculiar. I do not know whether it is in order to speak on the bill before the House or not, but somebody ought to discuss it a little, and West Point is in my district. This is peculiarly a detailed bill and it runs along with a rapidity in the Clerk's reading that takes your breath away when you attempt to follow it. There are some things about which I would like to ask a question or two. In the report of the committee, for instance, I find that the estimates of the Military Academy officials and the War Department have been very greatly cut down. The total estimates were \$5,715,000 and the bill carries an appropriation of \$2,320,000, which means, of course, that the construction program recommended to provide for the increased corps of cadets has been entirely or almost entirely cut out. The new buildings which are absolutely necessary for the enlargement of the academy, to provide for the number of cadets which must be obtained for the Army, have been abandoned for the time, and there has merely been an increase in the mess hall so that the cadets who come in the next year, the enlarged new class, will have some place to eat. I regret the cutting down of the construction, but I have no doubt the committee had good reasons for its action.

Now, in connection with that there is submitted here a table showing the number of vacancies in the cadet corps which I think is wholly misleading. May I have the attention of the chairman of the committee? In connection with the explanation of why the building program is cut down there is given a list of vacancies here showing 591 vacancies in the academy. The gentleman does not mean to say that there are 591 actual vacancies in the corps of cadets at West Point at this time, surely?

Mr. DENT. Of course, there are, according to the complete number Congress authorized in 1916, 1,332.

Mr. PLATT. I submit that can hardly be true. This is the same list of vacancies which you will get, I think, if you write The Adjutant General asking for a list of vacancies at West Point, and embraces cadets who will graduate this summer. It includes every district where appointment is made this year, though the actual vacancies will not be there until the end of this academic year. There have been usually in former years 100 or so vacancies only.

Mr. DENT. These figures were given to me by The Adjutant General's office through the superintendent of the Military Academy.

Mr. PLATT. I know, exactly—

Mr. DENT. The gentleman will recognize under the law we passed in 1916 doubling the academy that the total number of cadets finally to be authorized is 1,332.

Mr. PLATT. Yes.

Mr. DENT. Now, they had 688 there when the superintendent of the academy appeared before the committee.

Mr. PLATT. Well, but the number of appointments to make that total number of 1,300 cadets has not yet been fully authorized. That number of vacancies, I am practically sure, includes all districts which have appointments this year. It includes two appointments from my district, for instance. The boys are already appointed, have taken their examinations, but will not enter the academy until June.

Mr. DENT. There is no doubt of that.

Mr. PLATT. There are other cadets in their places, or would be normally. As a matter of fact, one of my cadets was dropped. I simply wanted to call the attention of the gentleman to the fact that the figures do not represent the actual vacancies in the academy at the present time.

Mr. DENT. There are vacancies until they go there.

Mr. PLATT. But the vacancies are not there yet. It merely means there are appointments to be made to fill vacancies which will occur when the present first class graduates.

Mr. DENT. That may be misleading. I asked the superintendent of the academy to give these figures, and they were given by him after they had conferred with The Adjutant General.

Mr. PLATT. I have followed the matter of vacancies at West Point in Congress from year to year, and I know they range from 60 to 100 or a little more as the year progresses.

Mr. KAHN. Will the gentleman yield?

Mr. PLATT. I will.

Mr. KAHN. The paragraph of the report just above that statement of figures will show the gentleman there were at the time of the hearings 688 cadets attending the academy and not over 360 more are expected in June, so that the estimates are based upon 1,000 cadets. Now, that was the information that was given us by the superintendent of the academy.

Mr. PLATT. Well, I think the estimates are probably all right, but I do not understand the vacancies. It gives 366 con-

gressional districts that have vacancies there. Now, that means 366 appointments to be made this year. The most of those boys are there. A few of the districts may have vacancies running through the whole year due to failures in examinations, but most of them are simply appointments to be made in place of cadets who will graduate this coming summer.

Mr. McKENZIE. Will the gentleman yield?

Mr. PLATT. I will yield to the gentleman.

Mr. McKENZIE. On page 12 of the hearings there is some information given. There is a statement made there by Col. Tillman, as follows:

Since January 22, 1917, at which time the strength of the Corps of Cadets was about 697, the following changes have occurred to date:

Discharged for physical disability	11
Discharged for deficiency in studies	53
Graduated	290
Resigned	11
Dismissed	8
Dropped	3
Died	2
Discharged for deficiency in conduct	1
Total	379

Strength January, 1917	697
Separated since	379
Cadets admitted during the year	318
Present strength	688

Now, the committee has estimated that there will be a number to come in, so that we have based our appropriations on 1,000 cadets for the year ending July 1, 1919.

Mr. PLATT. I am not criticizing that fact. I am simply criticizing the statement of vacancies given in the report and as explaining it. It seems to me it does not explain it. I think probably it is true that the number of cadets that will come in will be about as estimated here—360 more. But those 360 that are to come in in June are included, I think, in the 591 here given as vacancies. They are vacancies for the purpose of appointment.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PLATT. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. DENT. Mr. Chairman, I will say, as to the gentleman's criticism of these figures, that I put in the report which came from the superintendent after conference with The Adjutant General's office, and he will find it to be absolutely correct when he recognizes the fact that we doubled the capacity of the cadets to 1,332. And when you take the 688 who were in the academy at the time the superintendent and the quartermaster appeared before the Committee on Military Affairs and add the 591, you have got 1,279. Now, the vacancies they meant were the total number of vacancies authorized by law.

Now, I want to make this additional statement?

Mr. PLATT. Does the gentleman mean they could all be filled at the present time?

Mr. DENT. I am going to make a statement that, I think, will satisfy the gentleman.

When we passed the bill doubling the capacity of the academy so as to constitute a corps of 1,332 cadets, at first the department made a regulation that that increase should be in four annual increments. There was so much complaint on that subject by the Members of the House and Senators that the regulation was changed, and Gen. McCain informed me that every Member of Congress was given an opportunity to make an appointment, and that the reason that they are not full up, according to the 1,332, as provided by law, is because of the number of failures of the appointees.

Mr. PLATT. That is very surprising to me, because I know this to be the fact: If you write to The Adjutant General asking for a list of vacancies, with the idea of getting a boy appointed, getting somebody to appoint from another district, you will find your own district included in the vacancies, although you have already appointed your boy. I have had that happen to me over and over again.

Mr. TILSON. If the gentleman will yield, I think if the gentleman will take the trouble to verify it, he will find out that the statement in the report was absolutely correct at the time of the hearings, and that there were that many vacancies at the time. If the gentleman will make the multiplication and addition, multiplying the total number of Members of Congress in both Houses, including Delegates, by two, and add the number of presidential appointments and the number from the National Guard, he will find the total strength is approximately 591 more than the total strength given here—688. Therefore I think

there were at the time this report was made 591 actual vacancies and that there were 360 actual congressional district vacancies.

Mr. PLATT. If that is true—

Mr. TILSON. I think it is absolutely true.

Mr. PLATT (continuing). It makes a worse showing in the congressional districts for the boys we appoint than anything that has happened before. It shows the boys of this country have run down tremendously. I do not think it is true. I think it includes vacancies that are to occur when the present class graduates.

Mr. GARRETT of Texas. I want to call the gentleman's attention to this fact, as to the vacancies the gentleman refers to, that we have all made our appointments and this causes vacancies until those men get through and qualify.

Mr. PLATT. It does not, because the man an appointee is to succeed is still there.

Mr. GARRETT of Texas. Not when you take into consideration the increase.

Mr. GREENE of Vermont. I think the gentleman might verify that a little bit when he takes into consideration that this bill is not to provide for existing conditions at West Point, but for the fiscal year beginning with July 1, when the vacancies are to be filled and become operative.

Mr. PLATT. The gentleman states these vacancies were accurate at the time of the hearings. If so, the explanation may be that many of them were created by the graduation of a class last August, a year ahead of time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PLATT. May I ask for two minutes more?

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PLATT. I want to take the two minutes to present a matter, although I do not criticize it, because I think it may be necessary to postpone it for the present, and that is that the old hotel at West Point should be torn down and rebuilt. It was built nearly 100 years ago, and is a disgrace to the country. They had to pile manure around the water pipes to keep them from freezing last winter, and there were only one or two toilets in the house that they could keep from freezing up. The parents of the cadets have no other place to go than to this hotel, and the men are not allowed to go off the reservation. Something ought to be done about this hotel in the near future. I wanted to call attention to that, because I hope when we get a little bit loose from war indebtedness and can do something, we will build a new hotel at West Point, or let somebody else build it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For installation of automatic stokers under four 440-horsepower boilers in the power plant, \$40,000.

Mr. FESS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. FESS. I would like to ask the chairman of the committee what is the meaning of that first line on page 29?

Mr. DENT. "For installation of automatic stokers under four 440-horsepower boilers?"

Mr. FESS. That is not a misprint, then?

Mr. DENT. No; it is not a misprint. It was misprinted in the original bill, but it was corrected.

Mr. FESS. Then I will use this as an incident concerning which I want to ask the gentleman a question. Has the printing force in the Government Printing Office been greatly disturbed by the draft act? Have many of our expert men been taken out of the Printing Office because of the operation of the draft?

Mr. DENT. I am sorry to say it, but I am absolutely unable to answer that question. I am not familiar with the situation. I have not heard anything of that kind.

Mr. FESS. I presumed that there had gone into the Printing Office a considerable increase of force on account of the war demands for departmental printing and that there must be a considerable number of inexperienced workmen or printers, typesetters, or compositors in the office. I wish to make this observation, that up to the time the war opened it was a very infrequent thing to find a misprint, a misspelled word, or any error, grammatical or otherwise, especially in the CONGRESSIONAL RECORD. I have looked upon it as one of the most remarkable achievements for perfection of work I had ever seen, that the RECORD came so carefully prepared; no matter how late our sessions ran here at night, we would have the RECORD on our desk the next morning, and it was almost error proof. But I have noticed a good many typographical errors in the last year. In the mineral bill considered recently Members commented upon the great number of

errors, and I wondered whether those errors had crept in because some of the expert men had been taken out due to the demands of the war.

Mr. DENT. I have had no complaint submitted to the Military Committee on that line, although I lost the assistant clerk of the committee the other day—which I regret very much—on account of the draft. But I can not help it.

Mr. FESS. I would not at this time offer any criticism, at least until I had the facts concerning the source, as I do not think it would be proper. But I am going to make this observation, since I am on my feet and this feature of the war's affect is before us, that in public places where we have to deal with men interested in public or quasi-public matters we find a wonderfully pronounced indifference among our public servants in their regard for the public needs, an indifference which is very noticeable when compared with what we had prior to the war. Take, for example, the railway depot down here and the men the traveling public have to deal with. It is either because they are overworked, or because they are inexperienced, or else because they are inclined to be ungentlemanly, a characteristic which is developed by a situation in which they know the public can not help itself. Whatever may be the cause, it is quite difficult to receive any sort of courteous treatment in matters in which the public heretofore had been so decently treated. Even were it necessary to overlook the most palpable discourtesies, that does not justify the insolence so frequent in recent months. I think I had to stand for five minutes once in the railway depot waiting for a man who was selling me a ticket to tell me what the rate was to the place I was going. He did not even know where the city was, and he had difficulty to find out. He did not know how to examine the Railway Guide, as it appeared to me. In making some inquiry I found that he was a new man, who had just gone in, and consequently I felt inclined to excuse what would otherwise be positively intolerable treatment of the public, although I did feel in a critical mood. I am of opinion the same thing is true in many of our public offices in many places. In other words, that is one of the great prices we are having to pay for this war—taking away our efficient, aggressive, and faithful young men, upon whom the public has had to rely, and who seemed to enjoy the ability and pleasure of serving the public as a duty for which they were paid by their employers. But to-day others have come in, untutored as to what the public demands and wholly careless of what it must have. They seem to be absolutely irresponsible as to any matters of public interest, for which they are employed, and wanting in common courtesy when you ask them questions that the public has a right to know and they ought to decently answer.

I repeat that I do not think that this is a proper place nor time to air our complaints, but I think that a good many unnecessary injuries are suffered by the public that could and should be avoided. In railroadng every man who travels must have noticed the marked indifference to public rights since the Government has taken over the roads. In that degree we are justified in calling attention to the situation. Only this week I took a lady from a hospital and placed her on a train. We had but a few moments in which to exchange a claim check for the necessary check for her trunk. As a precaution I notified the young man that I had but a few moments to assist a sick lady to the train and requested expedition, that she might not be overtaxed. But the young lady by his side was of more interest than my request. In war time, when we can not help ourselves, we must submit, but it ought not to occur where the Government can avoid it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For installation of mechanical soot blowers in six 440-horsepower boilers in the power plant, \$3,600.

Mr. HULL of Iowa. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word.

Mr. HULL of Iowa. This morning a little incident occurred which I think it wise to correct. I do not like to disagree with my good friend from Kansas [Mr. LITTLE], but he quoted me as saying something, and it occurred, as I understand it, wholly through a misunderstanding. It is true that he did stop me in the hall when I was walking down the hall very fast and asked me in regard to something, and I understood him that he asked in regard to a statement that Gen. March had made before the Committee on Military Affairs, which had to do with something altogether different from what he understood it did.

Now, in order that there may be no misunderstanding in regard to the matter, I will take the liberty of putting into the RECORD and reading to you just exactly what Gen. March did say. I think this is fair to the House and fair to everyone else.

The CHAIRMAN. May I ask the gentleman if that was a statement before the committee?

Mr. HULL of Iowa. Yes.

Mr. DENT. It is subject to the rule, but I do not think there is any objection that will be made. The statement has not been printed yet.

Mr. DYER. Mr. Chairman, I ask unanimous consent that the statement may be read.

The CHAIRMAN. It is not a matter of particular concern to the Chair, but it seems that under the rule, as the Chair now remembers it, the Chair should even take the initiative, if necessary, to prevent any statement of what occurred in committee being made. That is the position of the Chair.

Mr. KAHN. Mr. Chairman, this matter, as I remember, is not very material, and I do not think any harm will be done if the gentleman from Iowa is permitted to quote from the hearings.

Mr. DENT. Mr. Chairman, I ask unanimous consent that that may be done.

The CHAIRMAN. The Chair has no special interest in the matter. The gentleman from Alabama asks unanimous consent that the statement be read. Is there objection?

Mr. SMITH of Michigan. Reserving the right to object, Mr. Chairman, I want to make a parliamentary inquiry. I would like to inquire whether it is not perfectly proper for the gentleman to read from the printed hearings?

Mr. DENT. The hearings have not been printed.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none.

Mr. LITTLE. Will the gentleman yield for a moment? I may say in that connection that the gentleman from Kansas [Mr. ANTHONY] suggested to me, since I spoke this morning, that the remarks which Gen. March made to him were not a part of the record but were made informally. That is how the misunderstanding between the gentleman and myself arose. He thought I was referring to the record, and so did I, but I found that Mr. ANTHONY indicated that it was a sort of informal conversation, evidently during a lull in the proceedings. That explains how the statements were made. I do not want to interrupt the gentleman, except to make that statement.

Mr. HULL of Iowa. With that statement it is hardly necessary for me to read what I was going to read.

Mr. LITTLE. I wish the gentleman would.

Mr. HULL of Iowa. But I think it will set Gen. March right, and I will read into the RECORD just what he said, in answer to an inquiry by the gentleman from Vermont [Mr. GREENE]. Gen. March said:

Gen. MARCH. Exactly that.

Mr. GREENE. It will be a continuous and steady flow?

Gen. MARCH. Yes. We are finding it is not necessary to keep them in the camps on this side as long as we anticipated, but that they can be quickly sent to the other side and complete their training over there.

That is exactly my understanding of what was said.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For material and labor for repair of Field Artillery target range, clearing grounds for targets and firing positions for batteries, constructing roads and trails to firing positions and target range; and for miscellaneous expenses connected with the indoor instruction of cadets in field artillery during the winter season, \$500.

Mr. DENT. Mr. Chairman, I desire to offer a committee amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 33, line 11, after the figures "\$500," insert "for Quartermaster's Corps garage, \$10,000."

The amendment was agreed to.

The Clerk read as follows:

For enlarging the Military Academy to accommodate the authorized number of cadets: Construction of cadet barracks and headquarters, to be located at the south of the area of the old or south barracks, \$444,000.

Mr. SNYDER. Mr. Chairman, I move to strike out the last word. It is a great source of satisfaction to me to see the repairs and improvements being made at that beautiful spot on the west side of the Hudson River known as West Point. I have had the pleasure of being there to see several young men in whom I was deeply interested graduate. The improvements which have been going on there for the last few years have been very marked and have beautified the place wonderfully, adding materially to the facilities for the work accomplished there. I am very pleased also to see that these facilities are introduced in the work of that school, to simplify and lessen labor, such as the installation of automatic stokers for boilers and modern methods for removing soot. But this is not what I rose to speak particularly about.

A short time ago the Government took over the 1,000-ton barge canal recently completed in the great State of New York for the purpose of facilitating the movement of freight and the conservation of transportation. I want to say to the membership of the House that, in my judgment, unless some arrangement is made for proper facilities at the terminals in the different towns, villages, and cities through which this canal runs it will do very little in the way of adding to transportation facilities. Not more than 15 or 20 years ago practically all the coal for the State of New York, both for manufacturing and domestic use, was delivered by way of the old Erie Canal. In the past few years that method has become obsolete, due to the fact that it is impossible to get labor to unload the boats in the manner in which it was formerly done.

The State has spent \$156,000,000 in the completion of this canal for the benefit of private users. As I say, the Government has recently taken it over for its own use. The suggestion I desire to make is that the terminals along the line of this waterway, and which have been built by the State, should be so arranged that coal can be removed from the barges which it is proposed to build, so that the State of New York, New England, and all other sections of the country in that locality may be supplied with coal through the canal.

It can be done by arrangement such as is made for removing ore from the lake boats at terminal points. These facilities could be established at each terminal to handle coal from barges by practically the same system that is now used in taking the coal from coal cars and elevating it into coal bins for the purpose of shooting it down into trucks for delivery.

This is a subject in which I think every Member here is interested. I am making these remarks for the purpose of bringing the matter to the attention of the Director General of Railroads and his department, and to give the membership of this House the benefit of the knowledge of the fact that the canal facilities are there, and that if the Government takes advantage of them it will do more to loosen up the congestion throughout the entire country, caused by the lack of railroad facilities, than any other one thing of which I know of to-day. [Applause.]

The Clerk read as follows:

Hereafter printing, binding, and blank books required for the use of the United States Military Academy may be done or procured elsewhere than at the Government Printing Office when in the opinion of the Secretary of War such work can be more advantageously done or procured locally, the cost thereof to be paid from the proper appropriation or appropriations made for the Military Academy.

Mr. FOSTER. Mr. Chairman, I want to reserve a point of order on that paragraph, beginning with the word "hereafter."

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. DENT. This has been carried heretofore.

Mr. FOSTER. This makes it permanent law.

Mr. DENT. I have no objection to striking out the word "hereafter." It has been carried before.

Mr. FOSTER. If the word "hereafter" has been carried heretofore it is already permanent law.

Mr. KAHN. It has been carried.

Mr. FOSTER. Then it is permanent law anyhow, so I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

Total, buildings and grounds, \$776,693.30.

Total, Military Academy, \$2,277,294.25.

Mr. DENT. I ask unanimous consent that the Clerk may correct the totals to conform to the amendments which have been agreed to.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the Clerk may correct the totals of the bill. Is there objection?

There was no objection.

Mr. DENT. I move to strike out lines 10 and 11, on page 34. They are unnecessary.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DENT: Page 34, strike out lines 10 and 11.

The amendment was agreed to.

Mr. DENT. I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FESS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The motion of Mr. DENT was agreed to.

Accordingly the committee rose; and Mr. RUSSELL having assumed the chair as Speaker pro tempore, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11185) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1919, and for other purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. DENT. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

There was no demand for a separate vote, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DENT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. LITTLE, by unanimous consent, was given leave of absence indefinitely, on account of the illness of his father, who is 88 years of age.

ADJOURNMENT.

Mr. DENT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 10 minutes p. m.) the House adjourned until Monday, May 6, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting letter from the Chief of Engineers, United States Army, together with report of Col. W. H. Heuer, United States Army, retired, on preliminary examination of Berkeley Harbor, Cal. (H. Doc. No. 1076); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the Acting Secretary of Commerce, transmitting a summary of reports transmitted by collectors of customs and brief statement of the action of the department in respect to accidents sustained or caused by barges while in tow through the open sea during the fiscal year 1917 (H. Doc. No. 1077); to the Committee on the Merchant Marine and Fisheries and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. EMERSON: A bill (H. R. 11931) to punish profiteers, spies, and dynamiters; to the Committee on the Judiciary.

By Mr. RANDALL: A bill (H. R. 11932) to provide further for the national security and common defense, and to conserve foodstuffs, fuel, and transportation facilities by prohibiting importation, exportation, or interstate shipments of certain articles; to the Committee on Interstate and Foreign Commerce.

By Mr. SANFORD: A bill (H. R. 11933) providing for the appointment of members of the Capitol police force in accordance with the civil-service law; to the Committee on Accounts.

By Mr. KETTNER: A bill (H. R. 11934) to authorize the establishment of a fisheries experiment station on the coast of California; to the Committee on the Merchant Marine and Fisheries.

By Mr. PETERS: A bill (H. R. 11935) to establish the Mount Desert National Park in the State of Maine; to the Committee on the Public Lands.

By Mr. SHALLENBERGER: Joint resolution (H. J. Res. 289) for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. GRIFFIN: Resolution (H. Res. 337) requesting the Secretary of the Navy to transmit to the Speaker of the House of Representatives information as to the persons employed by the Navy Department or the bureaus thereunder at a salary of \$1 per year; the name, address, and trade, industry, or business of the concerns loaning such employees, and the pay or emolument received by such employee from said concerns; whether such have any contracts with the Navy Department or any of the bureaus thereunder, and, if so, the detailed number, kind of

material, amount of contract, what part is complete and what remains to be completed, and the amount of money paid, and what is still owing; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11936) granting a pension to James Clinger; to the Committee on Invalid Pensions.

By Mr. BEAKES: A bill (H. R. 11937) granting an increase of pension to Duffy Duquette; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 11938) granting an increase of pension to Henry S. Robert; to the Committee on Pensions.

By Mr. COX: A bill (H. R. 11939) granting an increase of pension to Adam E. Robbins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11940) granting a pension to Samuel M. Vawter; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 11941) granting an increase of pension to John Wesley Green; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 11942) to reimburse E. T. Thing and S. A. Thing for losses and damages sustained by them by the negligent dipping of their cattle by the Bureau of Animal Industry, Department of Agriculture; to the Committee on Claims.

By Mr. WINGO: A bill (H. R. 11943) granting a pension to Mary Scott; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 11944) granting an increase of pension to John H. Crabb; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BYRNS of Tennessee: Papers accompanying a bill granting a pension to Henry S. Roberts; to the Committee on Pensions.

By Mr. CARY: Petition of Periodical Publishers' Association, against increase in second-class postal rates; to the Committee on Ways and Means.

By Mr. DALE of New York: Petition of the Crockery Board of Trade of New York, protesting against the repeal of the zone postage rates for periodicals; to the Committee on Ways and Means.

Also, memorial of the Chamber of Commerce of the State of New York, urging adequate punishment of spies and enemy agents; to the Committee on the Judiciary.

By Mr. ESCH: Papers in support of House bill 11885, granting an increase of pension to William D. Jones; to the Committee on Invalid Pensions.

By Mr. FOCHT: Evidence in support of H. R. 10675; to the Committee on Invalid Pensions.

By Mr. FOSTER: Petition of citizens of Iuka, Ill., protesting against the increase of postage on second-class mail; to the Committee on the Post Office and Post Roads.

By Mr. FULLER of Illinois: Petition of 24 members of the Young Women's Christian Association and of 60 students of the Northern Illinois State Normal School, at De Kalb, Ill., asking for the repeal of the increased postage on periodicals; also a petition of Hibbard, Spencer, Bartlett & Co., of Chicago, opposing the repeal of the zone rates of postage on advertising matter in periodicals; to the Committee on Ways and Means.

By Mr. GRIEST: Petition of members of Lancaster (Pa.) Medical Society, urging passage of House bill 9563, relative to rank of commissioned Army Medical Reserve Corps; to the Committee on Military Affairs.

Also, memorial of Presbytery of Westminster (Lancaster, Pa.), urging legislation to amend the Constitution relative to polygamy; to the Committee on the Judiciary.

By Mr. HAYES: Memorial of Greenfield (Monterey County, Cal.) Grange, No. 357, Patrons of Husbandry, against the zone postal-rate system; to the Committee on Ways and Means.

Also, memorial of California State Conference of Social Agencies, Santa Barbara, Cal., favoring immediate prohibition; to the Committee on the Judiciary.

By Mr. HILLIARD: Petition of John V. Barker and 19 others, all citizens of the State of Colorado, praying for prohibition for the period of the war; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Resolutions of the Board of Trustees Tacoma (Wash.) Public Library, and of the Tacoma

Central Labor Council, favoring the repeal of the zone postal system for periodicals; to the Committee on Ways and Means.

By Mr. MAHER: Petition of Local Union No. 69, International Brotherhood of Stationary Firemen, Millinocket, Me., protesting against the Senate amendment to H. R. 10358; to the Committee on Appropriations.

Also, memorial of Chamber of Commerce of the State of New York, relative to the treatment of spies and enemy agents; to the Committee on the Judiciary.

By Mr. PETERS: Petition of Eastport Woman's Club, of Eastport, Me., for repeal of zone-rate system on second-class mail matter; to the Committee on Ways and Means.

By Mr. RAKER: Resolution adopted by the Associated Chambers of Commerce of the Pacific Coast, in regard to the development of foreign commerce; to the Committee on Interstate and Foreign Commerce.

Also, resolutions adopted by the California State Medical Society, in regard to the rehabilitation of injured persons; to the Committee on Education.

Also, telegram by Howard Robertson, president board of public service commissioners, Los Angeles, Cal., indorsing bills relating to water supply of city of Los Angeles, Cal.; to the Committee on Public Lands.

By Mr. SMITH of Idaho: Papers to accompany House bill 11429; to the Committee on Claims.

Also, resolutions adopted by the Idaho Association for the Study and Prevention of Tuberculosis, urging the enactment of House bill 9563 providing for increased rank in the Medical Service of the Army; to the Committee on Military Affairs.

SENATE.

MONDAY, May 6, 1918.

Rev. J. L. Kibler, of the city of Washington, offered the following prayer:

O God, we praise Thee for Thy boundless mercy. In all the past Thou hast dealt with us most graciously. Thou hast favored our land from the very beginning, when we built an altar unto the Lord. Thou hast given us great prosperity and our commerce has blessed the world. But alas, in the enjoyment of our abundance, we have too often forgotten Thee and gone after other gods. We have forgotten the source whence cometh our help, and now Thou art reminding us of our folly, and the thought of Thy goodness is leading us to repentance. Thou art calling us back to Thyself. Thou art calling us into service for the benefit of mankind and for the preservation of the principles that pertain to Thy kingdom.

O God, may we heartily respond to the call of Thy providence. May we be glad to turn our vast treasures back to Thee and to lay all we have upon the altar of sacrifice. Our thought, our money, our skill, our prayers, ourselves—may we give all to Thee for service in the cause of righteousness and for the restoration of peace to a long-distracted world. We ask it for the sake of Jesus, the Prince of Peace. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Thursday, May 2, 1918, when, on request of Mr. VARDAMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by C. F. Turner, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 10264. An act to prevent in time of war departure from or entry into the United States contrary to the public safety; and

H. R. 11185. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1919, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. STERLING. Mr. President, I think Senators will agree that the pride one has in the good achievements of his own State is quite pardonable. I hold in my hand a clipping showing what my State has done in the matter of liberty-loan subscriptions. I think it worthy a place in the Record. It reflects not only the spirit of South Dakota but the spirit of the West generally. I ask unanimous consent that the statement may be read from the desk.

The Secretary read as follows:

[From the Sioux City Journal.]

A NEIGHBOR'S GRACIOUS COMPLIMENT.

All you have to do for South Dakota is to give her a mark to shoot at. In the first liberty-loan campaign the organizers of the drive in the ninth reserve district, having an opinion of South Dakota resources

and of her will to use them that must look sort of funny now, asked the State to subscribe a million and a half. The State did, plus enough to bring the total up to almost \$4,000,000. In the second liberty-loan effort South Dakota was asked to produce ten millions. The figure actually reached was close to \$13,000,000. Along came the third bond issue, and the gentlemen at the Minneapolis headquarters, gulping noticeably, suggested that \$22,000,000 would be about right.

South Dakotans, including those particular South Dakotans on whom responsibility for scraping up the \$22,000,000 of loose change chiefly devolved, gulped, too, and asked Minneapolis what was the matter. As soon as explanations were made, however, the drive began. And, lo, just as the first \$1,500,000 allotment was raised and bettered, just as the second \$10,000,000 quota was bettered, too, so the third sum, being \$22,000,000, was produced without turning a coyote's hair. It is expected that something like \$28,000,000 will be South Dakota's bit in this effort, as South Dakota herself perceives it.

Now hymns of praise are being sung in the citadel. A. B. Rogers, ninth district campaign director, is acting in a way as choir-master. The sense of the song is something like "South Dakota Ueber Alles," though of course nobody would think of expressing it in just that fashion. Among the things that the State has done, it appears, are these:

She was the first State in the district to report officially to the Federal reserve bank an oversubscription of the allotment.

She obtained probably the highest percentage of distribution, population considered, in the district.

She subscribed more generously than any other State of the district, resources considered.

She exceeded her subscription to the second loan by a greater percentage than any other State in the Nation, the increase being more than 100 per cent.

Perhaps conflicting claims will be offered by other States with regard to these points of superiority. That will not make any essential difference. South Dakota assuredly has seen her duty and has done it. Not that there was any real question about that. Indeed, there was none. There is no need to call attention to the performance of Iowa along the same line. And Sioux City can not bear any longer to mention her own humble achievements. But it's a pretty comfortable corner of God's country out here. The New York press may be expected to throw another surprise and happy fit to discover that the West is still, with both feet, in the war. We shan't. With us it's a commonplace.

Bring on your loans.

Mr. GALLINGER. In connection with the article just read, Mr. President, I want to say that the little State of New Hampshire has also oversubscribed the loan and is ready for another.

Mr. President, I have had a great many telegrams in reference to a provision in the naval appropriation bill, to which I offered an amendment, which is now in print and before the committee, proposing to strike out a provision known, I think, as the Taylor efficiency system, which has been placed in bills heretofore, and which it is proposed to place in the naval appropriation bill. I have simply taken from my desk four or five telegrams from business concerns, mostly in my own State, and I ask that they may be inserted in the Record without reading.

There being no objection, the telegrams were ordered to be printed in the Record, as follows:

MANCHESTER, N. H., April 30, 1918.

Senator JACOB GALLINGER,
Washington, D. C.:

We strenuously condemn antiefficiency rider penalizing bonus and premium payments and time studies in naval appropriation bill just passed. Trust you will use your every influence against similar rider in Senate bill.

LEWIS DEXLER.

DOVER, N. H., April 30, 1918.

Hon. JACOB H. GALLINGER,
Washington, D. C.:

We note the naval appropriation bill with antiefficiency rider attached has been passed by the House. In view of the absolute necessity of speeding up operations, we most earnestly protest against passage of bill with this rider by the Senate. Sincerely hope it will have your active opposition.

B. WILLIAMS & SONS.

NEWPORT, N. H., April 30, 1918.

Senator JACOB H. GALLINGER,
Washington, D. C.:

We enter our protest against the antiefficiency rider in naval appropriation bill. We feel that at this time every effort should be used to increase rather than diminish the country's producing capacity.

EMERSON PAPER CO.

MILFORD, N. H., May 3, 1918.

JACOB H. GALLINGER,
Washington, D. C.:

The antiefficiency rider penalizing premium and bonus payments was surely made in Germany. Our boys across the water are crying, "Speed up." Can't you hear them? We look to our Senators to protect them and us from such vicious legislation.

FRENCH & HEALD CO.

Mr. SHIELDS. Mr. President, concerning the allotment of liberty bonds and subscriptions therefor in the several States, to which Senators have been referring, I could have made an announcement of this kind on the second day of the loan, which I will now do. In one of the counties of Tennessee, that of Unicoi, on the first day, before 9 o'clock in the morning, double the quota of the county was subscribed, and I have no doubt that exceeds the record of any other county in the United States. There are no more loyal people in the Union than those of Tennessee, and the prompt action of Unicoi County fairly represents the spirit prevailing all over our State.

Mr. PAGE. Mr. President, I have felt modest about claiming good things for the Green Mountain State, but I feel that it is